



भारत का राजपत्र

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No. 34] NEW DELHI, SATURDAY, AUGUST 26, 1995/BHADRA 4, 1917

इस भाग में भिन्न पुष्ट संख्या वाली जारी हो जिससे कि यह अत्यग सकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय के छाड़कर) द्वारा जारी किए गए सार्विक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

विधि, न्याय और काम्पनी कार्य मंत्रालय
(विधि कार्य विभाग)

न्यायिक अनुभाग

मूलना

नई दिल्ली, 8 अगस्त, 1995

का.ओ. 2284.—नोटरीज नियम, 1956 के नियम 6 ए के अनुसरण में सक्षम प्रधिकारी द्वारा यह सूचना दी जाती है कि श्री शुभाप शार नरेकर, प्रॉफेसर ने उक्त प्रधिकारी को उपर नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उन्हें अंकोला तालुका, उत्तर कश्ता, कर्नाटक में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(67)/95-न्यायिक]
पी. सी. कण्णन, सक्षम प्रधिकारी

MINISTRY OF LAW, JUSTICE AND COMPANY
AFFAIRS

(Department of Legal Affairs)

Judicial Section

NOTICE

New Delhi, the 8th August, 1995

S.O. 2284.—Notice is hereby given by the Competent authority in pursuance of Rules 6a of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Subhash R. Narvekar, Advocate for appointment as a Notary to practise in Ankola Taluka, Distt. Uttra Kannada (Karnataka).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(67)/95-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 8 अगस्त, 1995

का.आ. 2285.—नोटरीज नियम, 1956 के नियम 6 ए के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री के. कुमार, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे मद्रास (तमினनाडु) में व्यवसाय करने के लिए नोटरीज के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्षा इस सूचना के प्रकाशन के छोद्दह दिन के भीतर लिखित रूप से भेरे पास भेजा जाए।

[सं. 5(131)/95-न्यायिक]
पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 8th August, 1995

S.O. 2285.—Notice is hereby given by the Competent Authority in pursuance of Rule 6a of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri K. Kumar, Advocate for appointment as a Notary to practise in Madras (Tamil Nadu).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. 5(131)/95 Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 16 अगस्त, 1995

का.आ. 2286.—नोटरीज नियम, 1956 के नियम 6ए के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री विष्णु मार जिदल, एडवोकेट के उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे मोहन नगर साहिबाबाद (गाजियाबाद जिला) उत्तर प्रदेश में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्षा इस सूचना के प्रकाशन के छोद्दह दिन के भीतर लिखित रूप से भेरे पास भेजा जाए।

[सं. 5 (33)/95-न्यायिक]
पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 16th August, 1995

S.O. 2286.—Notice is hereby given by the Competent Authority in pursuance of Rule 6a of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh Vishnu Kumar Jindal, Advocate for appointment as a Notary to practise in Mohan Nagar, Sahibabad Distt. Ghaziabad (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(133)/95-Judl.]
P. C. KANNAN, Competent Authority.

आयकर आयुक्त का कार्यालय

कलकत्ता, 31 मई, 1995

मंख्या 4/95-96

का.आ. 2287.—मुख्य आयकर आयुक्त, कलकत्ता द्वारा दिनांक 26-4-95 को फाइल सं.म.आ.प्रा./मुख्यालय/योजना/10/94-95 से जारी अधिसूचना सं. 12/94-95 का अनुसरण करते हुए एवं आयकर अधिनियम, 1961 (वर्ष 1961 का 43) की धारा 120 की 3प धारा (1) एवं (2) में प्रवक्त शक्तियों तथा इस दिशा में हम सक्षम बनाने वाले ग्रन्थ शक्तियों का प्रयोग करते हुए मैं, आयकर आयुक्त प.बं.-1 कलकत्ता एस्टद्वारा निर्देश देता हूँ कि मिम्न अनुसूची के स्तम्भ 2 में दिये गये उल्लिखित निर्धारण अधिकारी उक्त अनुसूची के तदनुसृत स्तम्भ 3 में उल्लिखित क्षेत्राधिकार के मामलों को नकाल देवेंगे।

अनुसूची

क्रम सं.	आयकर अधिकारी का पदनाम	क्षेत्राधिकार
1	2	3
1.	आयकर अधिकारी, वार्ड-1, सिलीगुड़ी	वर्तमान क्षेत्राधिकार के अतिरिक्त उन सभी कंपनियों के मामले जिनकी आयकर रु. 50,000 से कम हैं जो नये निर्धारण के निर्धारिती वार्ड सिलीगुड़ी एवं पहला निर्धारण पूरा कर चुके और वर्तमान निर्धारिती वार्ड—5 मिलीयुड़ी हैं जिनके मुख्य व्यापार व्यवसाय खालपारा नगर बाजार, महावीर स्थान सिलीगुड़ी के बाहर स्थित हैं।

1	2	3	1	2	3
2. आयकर अधिकारी, वार्ड-6, बिलीगुड़ी	बार्ड सिलीगुड़ी के नये निर्धारितों, जिन्होने अपनी रिटर्न को 31-3-94 तक फाइल किया हैं और जिनके प्रथम निर्धारण के मामले पूरे हो चुके हैं।		4. आयकर अधिकारी, वार्ड-1, कूच बिहार	वे सभी मामले जिनका मुख्य व्यापार श्रद्धालु व्यवसाय हैं वी.एस. रोड, एन.एन. एवं गोल बागान सदर सब डिवीजन में स्थित हैं एवं कूच बिहार स्थित सरकारी वेतन सहित दीनहटा सब डिवीजन के सभी मामले, कम्पनी के मामले जिनकी आयकर रु. 50,000 से कम हैं एवं टी.डी.एस. के भी मामले।	
3. आयकर अधिकारी, वार्ड-4, जलपाईगुड़ी	आयकर अधिकारी वार्ड-3, जलपाईगुड़ी के वर्तमान मामले नये निर्धारिती वार्ड के सृजन में पूर्व के मामलों को छोड़कर गैर-सरकारी वेतन के लिए नये निर्धारितियों के साथ जिन वार्डों का वर्ष 1992- 93 में निर्धारण हो चुका है।		5. आयकर अधिकारी, वार्ड-2, कूच बिहार	आ.आ. वार्ड-1, कूच बिहार के द्वारा अधिकृत स्थानों को छोड़कर कूच बिहार के गैर- सरकारी वेतन सहित ऐसे सभी मामले जिनको कारोबार या व्यवसाय के मुख्य स्थान कूच बिहार में स्थित हैं।	
				[सं. प.ब.-1/मुख्या./क्षेत्राधिकार/95-96] बी.मिश्रा, आयकर आयकर	

OFFICE OF THE COMMISSIONER OF INCOME TAX

Calcutta, the 31st May, 1995

No. 4/95-96

S.O. 2287.—In pursuance of Notification No. 12/94-95 dated 26-4-95 issued from F. No. AC/HQ/Planning/10/94-95 by the Chief Commissioner of Income-tax, Calcutta and in exercise of the powers conferred by Sub-Sections (1) and (2) of Section 120 of the Income-Tax Act, 1961 (43 of 1961) and all other powers enabling me in this behalf, I, the Commissioner of Income-tax, West Bengal-I, Calcutta, hereby direct that the assessing officers mentioned in Column 2 of the Schedule given below shall exercise the jurisdiction in respect of cases mentioned in corresponding column 3 of the said schedule with immediate effect.

SCHEDULE

Sl. No.	Designation of the Income-tax Officer	Jurisdiction
1	2	3
1.	Income-tax Officer, Ward-1, Siliguri.	In addition to existing jurisdiction case of all Company assessee having income below Rs. 50,000/- assessed in New Assessee's Ward, Siliguri and whose first assessments have been completed and the existing assessee of Ward-5, Siliguri whose principal place of Business/Profession is situated outside Khalpara, Naya Bazar and Mahabirshthan, Siliguri.
2.	Income-tax Officer, Ward-6, Siliguri.	Assessee who have filed their returns upto 31-3-94 in New Assessee's Ward, Siliguri and in whose cases first assessments have been completed.
3.	Income-tax Officer, Ward-4, Jalpaiguri.	Existing cases of Income-tax Officer, Ward-3, Jalpaiguri prior to the creation of New Assessee's Ward excluding the cases of Non-Govt. Salary but including the assessee of New Assessee's Ward who have been assessed in that Ward upto assessment year 1992-93.

4. Income-tax Officer,
Ward-1, Cooch Behar.

All cases having their principal places of business or profession situated in B.S. Road, N.N. Road and Goal Bagan of Sadar Sub-Division and all cases of Dinhata Sub-Division including Govt. Salary cases of Cooch Behar District, Company Cases having income below Rs. 50,000/- and also T.D.S. Matters.

5. Income-tax Officer,
Ward-2, Cooch Behar.

All cases having their principal places of business or profession situated in Cooch Behar excluding the places vested with I.T.O. Ward-1, Cooch Behar including non-Govt. Salary cases of Cooch Behar District.

[No. WB:1/H.Q/JUR/95-96]

B. MISHRA, Commissioner of Income-tax

मुद्रांश्चाका कार्यालय
कलकत्ता, 4 जुलाई, 1995

सं. 4/95-96

का. आ० 2288.—मुद्र्य आयकर आयुक्त, कलकत्ता द्वारा समय-समय पर पारित अधिसूचना संबंधी पूर्व आदेशों में आंशिक संशोधन करते हुए, आयकर अधिनियम, 1961 (1961 का 43) की धारा 120 की उपधारा (1) व (2) के द्वारा और केन्द्रीय प्रत्यक्ष कर बोई, नई दिनी के अधीन जारी अधिसूचना संख्या 9565 एफ संख्या 279/129/93-आई.टी.जे. (पार्ट-II) दिनांक 5-7-1994 और एस.आ०.संख्या 504, दिनांक 5-7-1994 और इस संबंध में मुझे प्रदत्त अन्य शक्तियों का प्रयोग करते हुए और इस बारे में पूर्व किए गए अथवा छोड़े दिये गये कार्यों को छोड़कर, मैं मुद्र्य आयकर आयुक्त, कलकत्ता एतद्वारा निर्वेश देता हूं कि इसके साथ संलग्न अनुसूची के स्तम्भ 2 में विनिर्दिष्ट: इस क्षेत्र के आयकर आयुक्त (अपील) ऐसे व्यक्तियों के संबंध में अपने कृत्यों का पालन करेंगे जिनके आयकर अथवा धनकर अथवा दानकर अथवा अतिकर अथवा ब्याज कर अथवा व्यय कर अथवा संपदा शुल्क का निर्धारण स्तम्भ 3 में विनिर्दिष्ट आयकर प्राधिकारियों/निर्धारण अधिकारियों के द्वारा आयकर अधिनियम, 1961 की धारा 246 की उपधारा (2) के खण्ड (ए) से (एच) तक, धन कर अधिनियम 1957 (1957 का 27) की धारा 23 की उप धारा (1ए) के खण्ड (ए) से (ई) तक, दान कर अधिनियम, 1958 (1958 का 18) की धारा 22(1ए) के खण्ड (ए) से (ई) तक, कम्पनी (लाभ) अतिकर अधिनियम, 1984 (1984 का 7) की धारा 11 की उपधारा (1), आयकर अधिनियम 1974 (1974 का 45) की धारा 15 की उप धारा (1) और व्यय कर अधिनियम, 1987 (1987 का 35) की धारा 22 की उप धारा (1) और संपदा शुल्क अधिनियम, 1953 की धारा 62 में उल्लिखित किन्हीं आदेशों से असंतुष्ट हों।

2. जहां एक आय कर सर्कल बार्ड अथवा विशेष रेज या उनके अंश इस अधिसूचना के अनुसार एक प्रभार से दूसरे प्रभार में स्थानांतरित हो गए हों, इस अधिसूचना के जारी

होने के तुरन्त पहले आयकर आयुक्त (अपील) के सर्वोप उन आय कर बार्ड/सर्कल/विशेष रेज अथवा उनके अंश में हुई निर्धारण से उद्भूत अपील लम्बित हो तो इस अधिसूचना के लागू होने की तिथि से उन बार्ड/सर्कल/विशेष रेज अथवा उनके अंश में स्थानांतरित किए जामलों का निपटान उन आय कर आयुक्त (अपील) के द्वारा किए जाएंगे जिनके अधीन उन बार्ड/सर्कल/विशेष रेज अथवा उनके अंश स्थानांतरित किए गए हैं।

3. यह अधिसूचना दिनांक 10-7-95 से लागू होगी।
अनुसूची

आयकर आयुक्त (अपील)
का क्षेत्राधिकार

फ्रम	आयकर आयुक्त	क्षेत्राधिकार
सं.	(अपील) का	पदनाम

1	2	3
1. आयकर आयुक्त (अपील)-1	(क) आयकर उपायुक्त रेज-1, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी।	
	(ख) आयकर उपायुक्त वि.रे.-11 कलकत्ता एवं आयकर उपायुक्त विशेष रेज-11 क्ष. के अधीनस्थ सभी निर्धारण अधिकारी।	
2. आयकर आयुक्त (अपील)-6	(क) आयकर उपायुक्त रे-7 क्ष. के अधीन कार्यरत सभी निर्धारण अधिकारी।	
3. आयकर आयुक्त (अपील)-7	(क) आयकर उपायुक्त वि.रे.-8 कलकत्ता आयकर उपायुक्त वि.रे.-8 के अधीनस्थ सभी निर्धारण अधिकारी।	
	(ख) आयकर उपायुक्त रेज-15, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी।	

1	2	3
(ग) आयकर उपायुक्त वि.रे.-८, कलकत्ता एवं आयकर उपायुक्त वि.रे.-८ के अधीनस्थ सभी निर्धारण अधिकारी।	(ख) आयकर उप निदेशक (छट) कल. के अधीन कार्यरत सभी निर्धारण अधिकारी।	
(घ) आयकर उपायुक्त रे-२१, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी।	(ग) आयकर उपायुक्त रे-१३, कल. के अधीन कार्यरत सभी निर्धारण अधिकारी।	
(क) आयकर उपायुक्त वि.रे.-१, कलकत्ता एवं आयकर उपायुक्त वि.रे.-१ कलकत्ता के अधीनस्थ सभी निर्धारण अधिकारी।	(घ) आयकर उपायुक्त वि.रे.-२२ कल. एवं आ. उपा. वि.रे.-२२ के अधीनस्थ सभी निर्धारण अधिकारी।	
4. आयकर आयुक्त (अपील)-१० कलकत्ता	(इ) बोर्ड डारा कलकत्ता को स्थानांतरित किए गए विशेष मामलों से संबंधित स.आ. आ. (अनु.) संकल-११(७), गुवाहाटी।	
(ख) आयकर उपायुक्त वि.रे.-२ कल. एवं आयकर उपायुक्त वि.रे.-२, कलकत्ता के अधीनस्थ सभी निर्धारण अधिकारी।	[स.स.आ./मुख्या/योजना/३०/१५-१६/५५३२-६३३]।	
(ग) आयकर उपायुक्त वि.रे.-१०, कलकत्ता नथा आयकर उपायुक्त वि.रे.-१०, दल. के अधीनस्थ सभी निर्धारण अधिकारी।	के.पा. लिह, मुख्य आयकर आयुक्त	
(घ) आयकर उपायुक्त वि.रे.-२१, कल. तथा आयकर उपायुक्त वि.रे. २१ कल. के अधीनस्थ सभी निर्धारण अधिकारी।	OFFICE OF THE CHIEF COMMISSIONER OF INCOME-TAX	
(च) आयकर उपायुक्त, जलपाईगुड़ी रेज जलपाईगुड़ी के अधीन कार्यरत सभी निर्धारण अधिकारी।	Calcutta, the 4th July, 1995	
5. आयकर आयुक्त (अपील)-१२ कलकत्ता	No. 4/95-96	
(क) आयकर उपायुक्त रेज-११, कल. के अधीन कार्यरत सभी निर्धारण अधिकारी।	S.O. 2288.—In partial modification of all earlier orders in Notifications passed by the Chief Commissioner of Income-tax, Calcutta, from time to time in exercise of the powers conferred by sub-section (1) and (2) of Section 120 of the I.T. Act, 1961 (43 of 1961) and in exercise of powers conferred on me by the Central Board of Direct Taxes, New Delhi vide its Notification No. 9565 F. No. 279/129/93 ITJ (P.R. II) dated 5-7-1994 and S.O. 504 dated 5-7-1999 and all other powers enabling me in this behalf and in supersession of all earlier notifications made in this behalf except in respect of things done or omitted to be done before such supersession, I, the Chief Commissioner of Income-tax, Calcutta, hereby direct that the Commissioners of Income-tax (Appeals) of this region specified in column 2 of the schedule attached hereto, shall perform their functions in respect of such persons assessed to Income-tax or Wealth-tax or Gift-tax or Sur-tax or Interest-tax or Expenditure-tax or Estate Duty by the Income-tax Authorities/Assessing Officers specified in column 3 thereof as are aggrieved by any order mentioned in clauses (a) to (h) of sub-section (2) of Section 245 of the Income-tax Act, 1961, clauses (a) to (e) of sub-section (1-A) of Section 23 of the Wealth-tax Act, 1957 (27 of 1957) clauses (a) to (e) of sub-section (1-A) of Section 22 of the Gift-tax Act, 1958 (18 of 1958), sub-section (1) of Section 11 of the Companies (Profit) Sur-tax Act, 1984 (7 of 1984), sub-section (1) of Section 15 of the Interest-tax Act, 1974 (45 of 1974) and sub-section (1) of Section 7 of the Expenditure-tax Act, 1987 (35 of 1987) and Section 62 of the Estate Duty Act, 1953.	
(ख) आयकर उपायुक्त रे-२० कल. के अधीन कार्यरत सभी निर्धारण अधिकारी।	2. Where an Income-tax Circle, Ward of Special Range or part thereof stands transferred by this notification from one charge to another, appeals arising out of the assessment made in this Income-tax Ward/Circle/Special Range or part thereof and pending immediately before the date from which this notification takes effect, before the Commissioner of Income-tax (Appeals) from whose charge that Income-tax Ward/Circle/Special Range or part thereof is transferred shall from the date from which this notification takes effect be transferred to and dealt with by the Commissioners of Income-tax (Appeals) to whom the said Ward/Circle/Special Range or part thereof is transferred.	
(ग) आयकर उपायुक्त रे-१०, कल. के अधीन कार्यरत सभी निर्धारण अधिकारी।		
(घ) आयकर उपायुक्त वि.रे.-१२ कल. एवं आयकर उपायुक्त वि.रे.-१२ कल. के अधीनस्थ सभी निर्धारण अधिकारी।		
6. आयकर आयुक्त (अपील)-१३ कलकत्ता	(क) आयकर उपायुक्त रेज-८, कल. के अधीनस्थ सभी निर्धारण अधिकारी।	

3. This notification takes effect from 10-7-1995.

SCHEDULE

JURISDICTION OF THE COMMISSIONERS OF INCOME TAX (APPEALS)

Sl No.	Designation of Commissioner of Income-tax (Appeals).	Jurisdiction
1	2	3
1.	Commissioner of Income-tax (Appeals)-I, Calcutta.	(a) All Assessing Officers functioning under Deputy Commissioner of Income-tax, Range-I, Calcutta. (b) Deputy Commissioner of Income-tax, Spl. Range-11, Calcutta and all Assessing Officers subordinate to Deputy Commissioner of Income-tax, Spl. Range-11, Calcutta.
2.	Commissioner of Income-tax (Appeals)-VI, Calcutta.	(a) All Assessing Officers functioning under Deputy Commissioner of Income-tax, Range-7, Calcutta.
3.	Commissioner of Income-tax (Appeals)-VII, Calcutta.	(a) Deputy Commissioner of Income-tax, Spl. Range-8, Calcutta and all Assessing Officers subordinate to Deputy Commissioner of Income-tax, Spl. Range-8, Calcutta. (b) All Assessing Officers, functioning under Deputy Commissioner of Income-tax, Range-15, Calcutta. (c) Deputy Commissioner of Income-tax, Spl. Range-7, Calcutta and all the Assessing Officers subordinate to Deputy Commissioner of Income-tax, Spl. Range-7, Calcutta. (d) All the Assessing Officers functioning under the Deputy Commissioner of Income-tax, Range-21, Calcutta.
4.	Commissioner of Income-tax (Appeals)-X, Calcutta.	(a) Deputy Commissioner of Income-tax, Spl. Range-1, Calcutta and all the Assessing Officers subordinate to Deputy Commissioner of Income-tax, Spl. Range-1, Calcutta. (b) Deputy Commissioner of Income-tax, Spl. Range-2, Calcutta and all the Assessing Officers subordinate to Deputy Commissioner of Income-tax, Spl. Range-2, Calcutta. (c) Deputy Commissioner of Income-tax, Special Range-10, Calcutta and all Assessing Officers subordinate to Deputy Commissioner of Income-tax Special Range-10, Calcutta. (d) Deputy Commissioner of Income-tax, Special Range-21, Calcutta, and all Assessing Officers subordinate to Deputy Commissioner of Income-tax, Special Range-21, Calcutta. (e) All Assessing Officers functioning under Deputy Commissioner of Income tax, Jalpaiguri Range, Jalpaiguri.
5.	Commissioner of Income-tax (Appeals)-XII, Calcutta.	(a) All Assessing Officers functioning under Deputy Commissioner of Income-tax, Range-11, Calcutta. (b) All Assessing Officers functioning under Deputy Commissioner of Income-tax, Range -20, Calcutta. (c) All Assessing Officers functioning under Deputy Commissioner of Income-tax, Range-10, Calcutta. (d) Deputy Commissioner of Income-tax, Spl. Range-12, Calcutta and all the Assessing Officers subordinate to Deputy Commissioner of Income-tax, Spl. Range-12, Calcutta.

1 2 3

6. Commissioner of Income-tax
(Appeals)-XIII, Calcutta.

- (a) All Assessing Officers functioning under Deputy Commissioner of Income-tax, Range-6, Calcutta.
- (b) All Assessing Officers functioning under Deputy Director of Income-tax, (Exemption), Calcutta.
- (c) All Assessing Officers functioning under Deputy Commissioner of Income-tax, Range-13, Calcutta.
- (d) Deputy Commissioner of Income-tax, Spl. Range-22, Calcutta and all the Assessing Officers subordinate to Deputy Commissioner of Income-tax, Spl. Range-22, Calcutta.
- (e) Assistant Commissioner of Income-tax, (Inv.) Circle-II(1), Guwahati in respect of the specific cases transferred by the Board to Calcutta.

[No. AC/HQ/Planning/30/95,96/5532-6331]
K.P. SINGH, Chief Commissioner of Income-tax,

(Department of Revenue)

New Delhi, the 18th July, 1995

(INCOME-TAX)

S.O. 2289.—In exercise of the powers conferred by sub-clause (v) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "India Heritage Research Foundation, New Delhi" for the purpose of the said sub-clause for the assessment year 1994-95 to 1996-97 subject to the following conditions, namely :—

का.आ. 2289.—आपकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रबल्ल शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतदद्वारा "इंडिया हेरिटेज रिसर्च फाउण्डेशन, नई दिल्ली" को कर निर्धारिण वर्ष 1994-95 से 1996-97 तक के लिए निम्नलिखित घरों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिति इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है।
- (ii) कर निर्धारिति ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा सरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरान, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करका सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिति के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9814/फा.सं. 197/100/94-आपकर

नि. 1]

एच.के. औषधी, अवर सचिव

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9814/F. No. 197/100/94-ITA-I]

H. K. CHOUDHARY, Under Secy.

केन्द्रीय उत्पाद एवं सीमा शुल्क आयुक्तालय

नागपुर, 25 जूनाई, 1995

का.आ. 2290.—श्री डॉ.एस. मांडवधरे, अधीक्षक तथा सी.पी. बगाले, अधीक्षक, समृद्ध "ख" केन्द्रीय उत्पाद शुल्क आयुक्तालय, नागपुर, निवर्तन की आय प्राप्त करने पर दिनांक 30-6-95 को अपराह्न से शासकीय सेवा से निवृत्त हुए हैं।

[फा.सं. II (3) 3/95 स्था. I/18346]
आर.जे. वेले, अपर-आयुक्त (कार्यालय एवं सतर्कता)

CUSTOMS AND CENTRAL EXCISE COMMISSIONER

Nagpur, the 23th July, 1995

S.O. 2290.—Shri D. S. Mandavdhare, Superintendent and Shri C. P. Bagale, Superintendent Central Excise, Group 'B' of Nagpur Commissionerate having attained the age of superannuation retired from Government service on 30-6-95 in the afternoon.

[C. No. II(3) 3/95/Estd. I/18346]

R. J. BELEY, Addl. Commissioner (P&V)

आदेश

नई दिल्ली, 4 अगस्त, 1995

स्टाम्प

का. आ. 2291.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ख) द्वारा प्रश्नत शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा हिन्दुस्तान गैस एंड इंडस्ट्रीज लिंग. की मात्र सोलह लाख उनसठ हजार चार सौ इक्यानवे और पच्चीस पैसे का समेकित स्टाम्प शुल्क अदा करने की अनुमति देती है जो उक्त कंपनी द्वारा 20 अप्रैल, 1995 को जारी किए गए मात्र पद्धत करीड अड़तालीस लाख पिचासी हजार आठ सौ पचास रु. के कुल मूल्य के प्रत्येक सत्तर-सत्तर रु. अंकित मूल्य के 1 से 22,12,655 तक की विशिष्ट संख्या वाले शुल्क रहित असुरक्षित पूँछ परिवर्तनीय बंधपत्रों (जेड सी बी) पर स्टाम्प शुल्क के कारण प्रभार्य है।

[फा. सं. 33/29/95-बि.क.]

एस. कुमार, अवर सचिव

ORDER

New Delhi, the 4th August, 1995

STAMPS

S.O. 2291.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Hindustan Gas and Industries Ltd. to pay consolidated stamp duty of rupees sixteen lacs fifty nine thousand four hundred ninety one and paise twenty five only chargeable on account of the stamp duty on Zero Interest Unsecured Fully Convertible Bonds (ZCBs) bearing distinctive numbers from 1 to 22,12,655 of the face value of rupees seventy each of the aggregate value of rupees fifteen crores forty eight lacs eighty five thousand eight hundred and fifty only issued by the said company on 20th April, 1995.

[F. No. 33/29/95-ST]
S. KUMAR, Under Secy.

आदेश

नई दिल्ली, अगस्त, 1995

का. आ. 2292.—चूंकि फा. सं. 801/17/94—पिट एन डी पी एस दिनांक 17-11-94 के अंतर्गत संयुक्त सचिव भारत सरकार को स्वापक औषध तथा मन-प्रभावी पदार्थ अधिनियम 1988 के खंड (1) के अंतर्गत अवैध व्यापार को रोकने के लिए विशेष रूप से शक्ति प्राप्त है, निदेश देते हैं कि श्री प्रह्लाद पुत्र श्री लक्ष्मीनारायण पतिवार निवासी गांव आनी, तहसील तथा पी.एस. मानसा, जिला मन्दसौर (म.प्र.) को नजरबंद किया जाए तथा केन्द्रीय कारागार इन्दौर (म.प्र.) में रखा जाए।

अधिनियम 1988 के खंड (1) के अंतर्गत अवैध व्यापार को रोकने के लिए विशेष रूप से शक्ति प्राप्त है निदेश देते हैं कि श्री संतोष सिंह पुत्र श्री दुले सिंह निवासी गांव: गुलाबखेड़ी पी.एस. बाधावा तहसील नीमच, जिला मन्दसौर (म.प्र.) को नजरबंद किया जाए तथा केन्द्रीय कारागार इन्दौर (म.प्र.) में रखा जाए।

2. जबकि, केन्द्रीय सरकार यह समझती है कि उपर्युक्त व्यक्ति फरार होने अथवा अपने आपको छिपाने की चेष्टा कर रहा है ताकि आदेश को क्रियान्वित न किया जा सके।

3. अतः अब उक्त अधिनियम के खंड 8 के उप खंड (1) बलाज (ख) में विहित शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निदेश देती है कि उपर्युक्त व्यक्ति इस आदेश के सरकारी गजट में प्रकाशित होने के 10 दिनों के भीतर श्री एस.पी.एस. यादव, निरीक्षक डी एम सी कार्यालय, नीमच (म.प्र.) के मामने प्रस्तुत हो।

[फा. सं. 801/67/94-पिट एन डी पी एस]

बी.के. अरोड़ा, अवर सचिव

ORDER

New Delhi, the 7th August, 1995

S.O. 2292.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 issued order F. No. 801/67/94-PITNDPS dated 17-11-94 under the said sub-section directing that Shri Santosh Singh S/o Shri Dule Singh R/o Village Gulabkhedi, P.S. Baghana, Teh. Neemuch, Distt. Mandsaur (M.P.) be detained and kept in custody in the Central Jail, Indore (M.P.) with a view to preventing him from engaging in the purchase, possession, transportation and sale of narcotic drugs.

2. Whereas the Central Government has reason to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of powers conferred by clause (b) of sub-section (1) of Section 8 of the said Act, the Central Government hereby directs the aforesaid person to appear before Shri S. P. S. Yadav, Inspector, DNC Office, Neemuch within 10 days of the publication of this order in the Official Gazette.

[F. No. 801/67/94-PITNDPS]
B. K. ARORA, Under Secy.

आदेश

नई दिल्ली, 7 अगस्त, 1995

का. आ. 2293.—चूंकि फा. सं. 801/69/94—पिट एन डी पी एस दिनांक 1-12-94 के अंतर्गत संयुक्त सचिव, भारत सरकार को स्वापक औषध तथा मन-प्रभावी पदार्थ अधिनियम 1988 के खंड (1) के अंतर्गत अवैध व्यापार को रोकने के लिए विशेष रूप से शक्ति प्राप्त है, निदेश देते हैं कि श्री प्रह्लाद पुत्र श्री लक्ष्मीनारायण पतिवार निवासी गांव आनी, तहसील तथा पी.एस. मानसा, जिला मन्दसौर (म.प्र.) को नजरबंद किया जाए तथा केन्द्रीय कारागार इन्दौर (म.प्र.) में रखा जाए।

2. जबकि केन्द्रीय सरकार यह समझती है कि उपर्युक्त व्यक्ति फरार होने अथवा अपने आपको छिपाने की चेष्टा कर रहा है ताकि आदेश को क्रियान्वित न किया जा सके।

3. अब अब उक्त अधिनियम के खंड 8 के उपर्युक्त (1) कानून (व) में विभिन्न घटनाओं का प्रयोग करते हुए केन्द्रीय सरकार एन्ड्रेडवाग निर्देश देती है कि उपर्युक्त व्यक्ति इग आदेश के सम्माने गांठ में प्रदानित होने के 10 दिनों के भीतर श्री आरपाल गोडाया, निरीक्षक श्री एन मी. कार्यालय, नीमच के सामने प्रस्तृत हो।

[का. स 801/69/94-पिट एन श्री एन] बी.कै. ग्राहा, अवार सचिव

ORDER

New Delhi, the 7th August, 1995

S.O. 2293.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 issued order F. No. 801/69/94-PITNDPS dated 1-12-94 under the said sub-section directing that Shri Prahlad S/o Shri Laxminarayan Patidar R/o Village Bani, Tehsil and P.S. Manasa, District Mandsaur (M.P.) be detained and kept in custody in the Central Jail, Indore (M.P.) with a view to preventing him from engaging in the procurement, possession, transportation and supply of narcotic drugs.

2. Whereas the Central Government has reason to believe, that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of powers conferred by clause (b) of sub-section (1) of Section 8 of the said Act, the Central Government hereby directs the aforesaid person to appear before Shri R. L. Godia, Inspecor, DNC Office, Neemuch within 10 days of the publication of this order in the Official Gazette.

[F. No. 801/69/94-PITNDPS]
B. K. ARORA, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 8 अगस्त, 1995

का.आ. 2294.—वैकारी लिनियम अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त अधिनियमों का प्रयोग बताने हुए, भारत सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एन्ड्रेडवाग घोषणा करता है कि उक्त अधिनियम की धारा 10 की उपधारा (1) (ग) (i) के उपर्युक्त श्री एम.ए.न. मिस्ट्री, भारत में पूर्ण कार्यालय अधिकारी, एन जेड ग्रिंडलैंज बैंक पी.एल.सी. को एसाइ फाइनान्स एंड लैंजिंग लि. के बोर्ड में नियुक्ति के लिए उन पर लागू नहीं होगी।

[स. 15/12/91-बी.ओ. III]

बी.एल. सचेत, अवार सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 8th August, 1995

S.O. 2294.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Government of India on the recommendation of the Reserve Bank of India hereby declare that the provisions of sub-section (1)(c)(i) of Section 10 of the said Act shall not apply to M. M. Mistri, Chief Executive Officer in India, ANZ Grindlays Bank p.l.c. for his appointment on the Board of Esanda Finance and Leasing Ltd.

[No. 15/12/91-BO III]

B. L. SACHDEVA, Under Secy.

नागरिक पूर्ति, उपभोक्ता मामले और सार्वजनिक वितरण

मंत्रालय

(नागरिक पूर्ति विभाग)

भारतीय मानक व्यूरो

नई दिल्ली, 7 अगस्त, 1995

का.आ. 2295.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उपर्युक्त (व) के अनुसरण में भारतीय मानक व्यूरो एन्ड्रेडवाग अप्रिसूचित करता है कि जिस/जिन भारतीय मानक/मानकों का/के विवरण नीचे अनुसूची में दिया गया है/दिए गए हैं, वह/वे स्थापित हो गया है/हो गए हैं।

अनुसूची

नम् स्थापित भारतीय मानक (कों) की संख्या, वर्ष और
सं. शीर्षक

नए भारतीय मानक द्वारा अतिव्रमित भारतीय मानक स्थापित तिथि
अथवा मानकों, यदि कोई J, की सं. और वर्ष

1

2

3

4

1. आईएस 1890 (भाग 0) : 1995
मावारं और इकाइयां भाग 0
(सामान्य सिद्धान्त)
(पहला पुनरीक्षण)

आईएस 1890 (भाग 0) : 83

95-06-30

(1)	(2)	(3)	(4)
2.	आईएस 1890 (भाग 1) : 1995 मात्राएं और इकाइयां भाग 1 प्रन्तराल और समय (तीसरा पुनरीक्षण)	आईएस 1890 (भाग 1) : 82	95-06-30
3.	आईएस 1890 (भाग 3) : 1995 मात्राएं और इकाइयां भाग 3 यांत्रिकी (दूसरा पुनरीक्षण)	आईएस 1890 (भाग 3) : 82	95-06-30
4.	आईएस 2556 (भाग 15) : 1995 कांचाभ स्वच्छता माध्यम (कांचाम चीती मिट्टी)---विशिष्टि भाग 15 यूनिवर्सल जल मूलालय आधानों की विशिष्ट अपेक्षाएं (पहला पुनरीक्षण)	आईएस 2556 (भाग 15) : 74	95-04-30
5.	आईएस 3114 : 1994 ढलवां लोहे के पाइप डालने की रीति संहिता (दूसरा पुनरीक्षण)	आईएस 3114 : 1985	94-12-31
6.	आईएस 3564 : 1995 द्रव चालित डोर क्लोजर--- विशिष्टि (चौथा पुनरीक्षण)	आईएस 3564 : 1986	95-04-30
7.	आईएस 4687 : 1995 गेस्केट तथा पैकिंग— एस्वेस्टर ग्लैड पैकिंग—विशिष्टि (दूसरा पुनरीक्षण)	आईएस 4687 : 1980	95-05-31
8.	आईएस 5414 : 1995 गेस्केट तथा पैकिंग— जट व सन की पैकिंग—विशिष्टि (पहला पुनरीक्षण)	आईएस 5414 : 1969	95-05-31
9.	आईएस 7231 : 1994 अंग्रेजी टट्टियों तथा मूलालयों के लिए प्लास्टिक की प्रधावन टंकियों की विशिष्टि (दूसरा पुनरीक्षण)	आईएस 7231 : 1984	94-06-30
10.	आईएस 7784 (भाग 2/खंड 1) : 1995 आर-पार जल निकास कार्यों के डिजाइन— रीति संहिता भाग 2 विशिष्ट अपेक्षाएं प्रतुभाग 1 जलवाही टेन (पहला पुनरीक्षण)	आईएस 7784 (भाग 2/खंड 1) : 1983	95-04-30
11.	आईएस 8534 (भाग-2) : 1995 खान टब युग्मन और कर्वण शलाकाएं भाग 2 सी-सिक और डी-शैकल टाइप (पहला पुनरीक्षण)	आईएस 8534 (भाग 2) : 77	95-05-31
12.	आईएस 8534 (भाग 6) : 1995 खान टब युग्मन और कर्वण शलाकाएं भाग 6 हुक और डी-शैकल टाइप	आईएस ---	95-05-31

(1)	(2)	(3)	(4)
13.	आईएम 8753 (भाग 4/खंड 1) निमज्जन मोटरों के बांहिंग तार—विशिष्ट भाग 4 अलग-अलग तारों की विशिष्टि अनुभाग 1 एच प्रारंभी बीसी रोधित नार (पहला पुनरीक्षण)	--	95-05-31
14.	आईएस 8952: 1995 सामान्य हंजीनियरी प्रयोजनों की मदु इस्पात तार छड़ों के उत्पादन के लिए इस्पात फैट, अल्म और बिलेट—विशिष्टि (पहला पुनरीक्षण)	आईएस 8952: 1978	95-04-30
15.	आईएम 9798: 1995 क्रिवित पेट्रोलियम गैस (इ पैग) विशेष के उपयोग के लिए अल्पदाव रेस्यूलेटर—विशिष्टि (पहला पुनरीक्षण)	आईएस 9798: 1981	95-05-31
16.	आईएस 10106 (भाग 1/अनु 4): 1995 पैकेजबंदी संहिता भाग 1 उत्पाद पैकेज अनुभाग 4 पैकेज गवेदार डिजाइन	--	95-03-31
17.	आईएस 10773: 1995 प्रशीतन और बातानुकूलन प्रयोजनों के लिए पिटवां सांवे की नलिकाएं—विशिष्टि (पहला पुनरीक्षण)	आईएस 10773: 1983	95-03-31
18.	आईएस 11335: 1995 पोत निर्माण समुद्री पाइप कार्य तंत्र में उपयोग के लिए ढलवा लोहे के गेट वाल्व—विशिष्टि (पहला पुनरीक्षण)	आईएस 11335: 1984	95-02-28
19.	आईएस 13744 (भाग 1 से 8): 1995 कार्बाइड टिप्पार एक नींक थाले समतलन औजार—विशिष्टि	--	95-02-28
20.	आईएस 14000 (भाग 2): 1994 गुणता प्रबन्ध तथा गुणता प्रारब्धासन मानक भाग 2 आईएसओ 9001, आईएसओ 9002 तथा आईएसओ 9003 के अनुप्रयोग के सामान्य मार्गदर्शी सिद्धान्त	--	94-03-31
21.	आईएस 14121: 1995 स्वचल बाहन-ब्रेक तंत्र-- दो और तीन पहिए वाले बाहनों की परीक्षण प्रवृत्ति	--	95-04-30
22.	आईएस 14163: 1995 बैब ऑफसेट स्वाही, काली—विशिष्टि	--	95-06-30
23.	आईएस 14221: 1995 स्वचल बाहन-पूर्व परावर्तक चद्दर और फीते—विशिष्टि	--	95-04-30
24.	आईएस 14231 (भाग 1): 1995 टेलीविजन और ध्वनि मंकेतों के लिए केवलकृत विश्वरण तंत्र—विशिष्टि भाग 1 असुरक्षा अपेक्षाए	--	95-04-30

(1)	(2)	(3)	(4)
25.	आईएस 14238 : 1995 अन्तर्राष्ट्रीय जलयान— गोदी संरचनाओं के लिए रबड़ फड़रों का चयन— रीति संहिता	--	95-02-28
26.	आईएस 14241 : 1995 छत बनाने के लिए पूर्व प्रक्रियत कांकीट एल-पैनल—विशिष्टि	--	95-04-30
27.	आईएस 14246 : 1995 सतत पूर्व-रोगनित जस्तीकृत इस्पात की चादरों एवं कुंडलियां— —विशिष्टि	--	95-05-31
28.	आईएस 14253 : 1995 शैक्षिक उपकरण और उपस्कर—विद्यालय और प्रयोगशाला के उपयोग के लिये सार-जाली—विशिष्टि	--	95-04-30
29.	आईएस 14262 : 1995 रिवेटमेंट की आयोजना और डिजाइन—मार्गदर्शी सिद्धान्त	--	95-04-30
30.	आईएस 14267 (भाग 1) : 1995 शीघ्र हिमीकृत सविजयों का विशिष्टि भाग 1 शीघ्र हिमीकृत मटर	--	95-05-31
31.	आईएस 14268 : 1995 पूर्व प्रतिवर्लित कांकीट के लिए अलेपित कम शिथिलन वाले सात-प्लाई के स्ट्रैड—विशिष्टि	--	95-05-31
32.	आईएस 14283 : 1995 स्वचल वाहन— त्वरण नियंत्रण प्रणाली—सुरक्षा अपेक्षाएं	--	95-04-30

इन मानकों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन 9 बहादुर शाह जफर मार्ग, नई दिल्ली—110002 और श्वेतीय कार्यालयों बम्बई, कलकत्ता, घण्टीगढ़ तथा मद्रास और शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुषनेश्वर, गुवाहाटी, हैदराबाद, जयपुर, कोयम्बातूर, कानपुर पटना, लखनऊ, दिव्वेन्द्रम, गाजियाबाद तथा फरीदाबाद में विक्री हेतु उपलब्ध हैं।

[सं. के. प्रवि/13:2]

एस. के. कर्मकार, अपर महानिदेशक

**MINISTRY OF CIVIL SUPPLIES
CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION
(Department of Civil Supplies)**

BUREAU OF INDIAN STANDARDS

New Delhi, the 7th August, 1995

S.O. No. 2295In—pursuance of Clause (b) of Sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987 the Bureau of Indian Standards hereby notifies that the Indian Standard(s) particulars of which is/are given in the Schedule hereto annexed, has /have been established on the date indicated against each.

SCHEDULE

Sl. No. and Title of the Indian Standard(s) Established	No. and year of the Indian Standard or Standards, if any superseded by the new Indian Standard	Date of Establishment	
(1)	(2)	(3)	(4)
1. IS 1890 (Part 0) : 1995—Quantities and Units Part 0 General Principles <i>(First Revision)</i>	IS 1890 (Part 0) : 83	95-06-30	

(1)	(2)	(3)	(4)
2. IS 1890 (Part I) : 1995—Quantities and units Part 1 Space and Time <i>(Third Revision)</i>	IS 1890 (Part 1) : 82	95-06-30	
3. IS : 1890 (Part 3) : 1995— Quantities and Units Part 3 Mechanics <i>(Second Revision)</i>	IS 1890 (Part 3) : 82	95-06-30	
4. IS : 2556 (Part 15) : 1995—Vitreous sanitary appliances (Vitreous China)— Specification Part 15 Specific requirements of Universal water closets <i>(First Revision)</i>	IS 2556 (Pt. 15) : 74	95-04-30	
5. IS 3114 : 1994—Code of practice for laying of cast iron pipes <i>(Second Revision)</i>	IS : 3114 : 1985	94-12-31	
6. IS 3564 :1995—Hydraulically regulated door closers—Specification <i>(Fourth Revision)</i>	IS 3564 : 1986	95-04-30	
7. IS 4687 : 1995—Gaskets and Packings— Gland packings asbestos-Specification <i>(Second Revision)</i>	IS 4687-1980	95-05-31	
8. IS 5414 : 1995—Gaskets and packings—Gland packing jute and hemp—Specification <i>(First Revision)</i>	IS 5414 : 1969	95-05-31	
9. IS 7231 : 1994—Plastic flushing cisterns for water closets and urinals-Specification. <i>(Second Revision)</i>	IS 7231:1984	94-06-30	
10. IS 7784 (Part 2/Sec. 1) : 1995—Design of cross drainage works-Code of practice Part 2 Specific Requirements Section 1 Aqueducts <i>[First Revision]</i>	IS 7784 (Part 2, Sec 1) : 1983	95-04-30	
11. IS 8534 (Part 2) : 1995—Mine tub Couplings and drawbars Part 2 C-Link and D- Shackle type <i>(First Revision)</i>	IS 8534 (Pt. 2) : 77	95-05-31	
12. IS 8534 (Part 6) : 1995—Mine tub couplings and drawbars Part 6 Hook and C-Shackle type	---	95-05-31	
13. IS 8783 (Part 4/Sec 1) : 1995—Winding wires for Submersible motors-Specification Part 4 Specification for individual wires Section 1 HR PVC Insulated wires. <i>(First Revision)</i>	---	95-05-31	
14. IS 8952 : 1995—Steel ingots, blooms and billets for production of mild steel wire rods for general engineering purposes— Specification <i>(First Revision)</i>	IS 8952 : 1978	95-04-30	
15. IS 9798 : 1995—Low pressure regulators for use with liquefied petroleum gas (LPG), mixtures Specification <i>(First Revision)</i>	IS 9798 : 1981	95-05-31	
16. IS 10106 (Part 1/Sec. 4) : 1995—Packaging Code Part 1 Product packaging Section 4 Package cushioning design	—	95-03-31	

(1)	(2)	(3)	(4)
17.	IS 10773 : 1995—Wrought copper tubes for refrigeration and air conditioning purposes—Specification <i>(First Revision)</i>	IS 10773 : 1983	95-03-31
18.	IS 11335 : 1994—Shipbuilding—Cast iron gate valves for use in marine pipework system—Specification <i>(First Revision)</i>	IS 11335 : 1984	95-02-28
19.	IS 13744 (Parts 1 to 8) : 1995—Carbide tipped single point planning tools...Specification	—	95-02-28
20.	IS 14000 (Part 2) : 1994—Quality management and quality assurance standards. Part 2 Generic guidelines for the applications of ISO 9001 ISO 9002 and 9003	—	94-03-31
21.	IS 14121 : 1995—Automotive vehicles—Braking systems—Test procedure for two and three wheelers	—	95-04-30
22.	IS 14163 : 1995—Web offset ink, black—Specification	—	95-06-30
23.	IS 14221 : 1995—Automotive vehicles—Retro-reflective sheets and tapes—Specification	—	95-04-30
24.	IS 14231 (Part 1) : 1995—Cabled distribution systems for television and sound signals—Specification Part 1 Safety requirements	—	95-04-30
25.	IS 14238 : 1995-Inland vessels—Selection of rubber fenders for berthing structures—Code of practice	—	95-02-28
26.	IS 14241 : 1995—Precast reinforced concrete L-Pencils for roofing—Specification	—	95-04-30
27.	IS 14246 : 1995—Continuously pre-painted galvanized steel sheets and coils—Specification	—	95-05-31
28.	IS 14253 : 1995—Educational instruments and equipment wire gauze for school and laboratory use—Specification	—	95-05-30
29.	IS 14262 : 1995—Planning and design of revetment—Guidelines	—	95-04-30
30.	IS 14267 (Part 1) : 1995—Quick frozen vegetables—specification Part 1 Quick frozen peas	—	95-05-31
31.	IS 14268 : 1995—Uncoated stress relieved low relaxation seven-Ply strand for prestressed concrete—Specification	—	95-05-31
32.	IS 14283-1995—Automotive vehicles Accelerator Control systems—Safety requirements	—	95-04-30

Copies of these Indian Standards are available for sale with the Bureau of Indian Standards, Marak Bhawan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices New Delhi, Calcutta, Chandigarh, Madras and Bombay and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Faridabad, Ghaziabad, Guwahati, Hyderabad, Jaipur, Kanpur, Lucknow Patna, Thiruvananthapuram.

[No. CMD/13 : 2]

S.K. Karmakar,
Addl. Director General

कोयला मंत्रालय

मई शिल्पी, 1 अगस्त, 1995

का.आ. 2296 —केन्द्रीय सरकार ने, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) 7 की धारा की उपधारा (1) के अधीन भारत सरकार राजपत्र भाग 2, खंड 3, उपखंड (ii) तारीख 6 अगस्त, 1994 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्या का.आ. 1855, तारीख 23 मून्, 1994 द्वारा इस अधिसूचना से संलग्न अनुसूची में विनियोग परिक्षेत्र की भूमि में जिसका माप 130.03 हैक्टर (लगभग) या 321.32 एकड़ (लगभग) है, खनिजों के खनन, खदान, बोर करने, उनकी खुदाई करने और खनिजों को तलाश करने उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकारों का अर्जन करने के अपने आशय की सूचना दी थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है,

और केन्द्रीय सरकार को, पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इसने संलग्न अनुसूची में विनियोग 130.03 हैक्टर (लगभग) या 321.32 एकड़ (लगभग) माप वाली भूमि में खनिजों का खनन में खनन, खदान, बोर करने, उनकी खुदाई करने और खनिजों को तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकार अर्जित किए जाने चाहिए।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रदत्त अकिन्ती का प्रयोग वरते हुए यह घोषणा करती है कि इससे उपावड़ अनुसूची में विनियोग 130.03 हैक्टर (लगभग) या 321.32 एकड़ (लगभग) माप वाली भूमि में खनिजों का खनन में खनन, खदान, बोर करने, उनकी खुदाई करने और खनिजों को तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकार अर्जित किए जाते हैं।

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक सी—I(ई)/III/जे.आर./560-0894 तारीख 23 अगस्त, 1994 का निरीक्षण कलवटर, चंद्रपुर (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता-700001 में या वेस्टर्न कोलफील्ड्स लि. (राजस्व विभाग) कोल एस्टेट, मिविल लाइन, नागपुर-440 001 (महाराष्ट्र) के कार्यालय में किया जा सकता है।

अनुसूची

नंद गांव विस्तार खंड

चंद्रपुर क्षेत्र

जिला चंद्रपुर (महाराष्ट्र)

खनन अधिकार

क्र.सं.	ग्राम का नाम	पटवारी संकिल नं.	कम्पार्टमेंट सं.	तहसील	जिला	क्षेत्र हैक्टर में	टिक्कणियां
1	2	3	4	5	6	7	8
1.	विलासपुर	7	---	चंद्रपुर	चंद्रपुर	46.36	भाग
2.	मियोकुंड	7	---	चंद्रपुर	चंद्रपुर	65.97	भाग
3.	आरक्षित वन सोंदा रेज चंद्रपुर खंड	—	486	चंद्रपुर	चंद्रपुर	17.70	भाग

कुल क्षेत्र :

130.03 हैक्टर

लगभग

या

321.32 एकड़ (लगभग)

ग्राम विलासपुर में अर्जित प्लाट संख्यांक

394 भाग, 396 से 398, 411 से 432, 433/1, 433/2, 434, 435, 445 से 456, 457 भाग, 458 भाग, सड़क भाग, नाला भाग

ग्राम मियोकुंड में अर्जित प्लाट संख्यांक

1 भाग, 2 भाग, 3 से 15, 16क, 16ख, 17, 18क, 18ख, 19क, 20 से 26, 27/1, 27/2, 28 ते 38, 39 भाग, 49 भाग, 50 से 57, 58 भाग, 59, 60 भाग, 61, 62 भाग, 64 भाग, 65 भाग, 81 भाग, सड़क भाग
आरक्षित वन चांदा रेज, चंद्रपुर खंड में अर्जित कम्पार्टमेंट संख्या

सीमा वर्णन :

- क—ख रेखा "क" विन्दु से आरंभ होती है और नाला की पश्चिमी सीमा के साथ-साथ ग्राम विलासपुर से होकर जाती है और "ख" विन्दु पर मिलती है।
- ख—ग रेखा ग्राम नदीगांव एवं विलासपुर, धर्मशाला, टुकम और भियोकुंड की सम्मिलित सीमा के साथ साथ जाती है फिर ग्राम धर्मशाला, टुकम और आरक्षित बन की सम्मिलित सीमा के साथ साथ चलती है और विन्दु "ग" पर मिलती है।
- ग—घ रेखा कम्पार्टमेंट संख्या 496 में आरक्षित बन से होकर जाती है और प्लाट संख्या 1 में ग्राम भियोकुंड से होकर चलती है और "घ" विन्दु पर मिलती है।
- घ—इ रेखा प्लाट संख्या 1 और प्लाट 2 की बाह्य सीमा के साथ साथ ग्राम भियोकुंड से होकर जाती है और "इ" पर मिलती है।
- इ—च रेखा प्लाट संख्यांक 81, 2 में ग्राम भियोकुंड से होकर जाती है तब प्लाट संख्यांक 38, 37 की बाह्य सीमा के साथ चलती है, प्लाट संख्या 39, 49, 53 में से जाती है सँझे पार करती है, प्लाट संख्या 65, 64, 60, 62 में से जाती है तब ग्राम विलासपुर से होकर जाती है, प्लाट संख्या 458 में से जाती है नाला पार करती है प्लाट संख्यांक 457, 394 में से जाती है और प्लाट संख्यांक 394 की बाह्य सीमा के साथ साथ भागव चलती है और "च" विन्दु पर मिलती है।
- च—क रेखा प्लाट संख्यांक 396, 397, 398, 394 की बाह्य सीमा के साथ-साथ ग्राम विलासपुर से होकर जाती है, नाला पार करती है और आरक्षित विन्दु "क" पर मिलती है।

[फा. मं. 43015/6/93-एल प्रस डब्लू]

नरेन्द्र भगत, निदेशक

MINISTRY OF COAL

New Delhi, the 1st August, 1995

S.O. 2295.—Whereas by the notification of the Government of India in the Ministry of Coal, No. S.O. 1855 dated the 23rd June, 1994, published in the Gazette of India, Part-II, Section-3, sub-section (ii), dated the 6th August, 1994, under sub-section (1) of Section-7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to acquire the rights to mine, quarry, bore, dig, and search for win work and carry away minerals in the lands measuring 130.03 hectares (approximately) or 321.32 acres (approximately) in Mining Rights in the locality specified in the schedule annexed to that notification;

And whereas the competent authority in pursuance of section 8 of the said Act has made his report to the Central Government.;

And whereas the Central Government, after considering the report aforesaid and after consulting the Government of Maharashtra, is satisfied that the mining rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 130.03 hectares (approximately) or 321.32 acres (approximately) described in the Schedule appended hereto should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the mining rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 130.03 hectares (approximately) or 321.32 acres (approximately) described in the Schedule appended hereto are hereby acquired.

The Plan bearing number C-1(E)III/JR/560-0894 dated the 23rd August, 1994, of the area covered by this notification may be inspected in the Office of the Collector, Chandrapur (Maharashtra) or in the Office of the Co Controller, 1, Council House Street, Calcutta-700001 or in the Office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra).

SCHEDULE
NANDGAON EXTENSION BLOCK
CHANDRAPUR AREA
DISTRICT--CHANDRAPUR (MAHARASHTRA)

Mining Rights

Serial Number	Name of Village	Patwari Circle number	Compart-ment number	Tahsil	District	Area in hectares	Remarks
1. Visapur		7	--	Chandrapur	Chandrapur	46.36	Part.
2. Bhiokund		7	--	Chandrapur	Chandrapur	65.97	Part.
3. Reserve forest Chanda Range Chandrapur Division.		--	486	Chandrapur	Chandrapur	17.70	Part.
Total area						130.03 hectares (approximately) or 321.32 Acres (approximately)	

Plot numbers acquired in Village Visapur:

394 part, 396 to 398, 411 to 432, 433/1, 433/2, 434, 435, 445 to 456, 457 part, 458 part, Road part, Nallah part.

Plot numbers acquired in Village Bhiokund:

1 part, 2 part, 3 to 15, 16A, 16B, 17, 18A, 18B, 19A, 19B, 20 to 26, 27/1, 27/2, 28 to 38, 39 Part, 49 part, 50 to 57, 58 part, 59, 60 part, 61, 62 part, 64 Part, 65 Part, 81 part, Road part.

Compartment number acquired in Reserve Forest Chanda Range, Chandrapur Division:

486 part.

Boundary description :

A-B	Line starts from point 'A' and passes through village Visapur along the western boundary of Nallah and meets at point 'B'.
B-C	Line passes along the common village boundaries of villages Nandgaon and Visapur, Dharmashala Tukum and Bhiokund then proceeds along the common boundary of village Dharmashala Tukum and Reserve Forest and meets at point 'C'.
C-D	Line passes through Reserve Forest in Compartment number 486 and proceeds through village Bhiokund in plot number 1 and meets at point 'D'.
D-E	Line passes through village Bhiokund along the outer boundary of plot numbers 1 and 2 and meets at point 'E'.
E-F	Line passes through village Bhiokund in plot numbers 81, 2, then proceeds along the outer boundary of plot numbers 38, 37, in plot numbers 39, 49, 58, crosses road in plot numbers 65, 64, 60, 62, then proceeds through village Visapur in plot number 458, crosses nallah in plot numbers 457, 394 and proceeds partly along the outer boundary of plot Number 394 and meets at point F'.
F-A	Line passes through village Visapur along the outer boundary of plot numbers 396, 397, 398, 394, crosses nallah and meets at starting point 'A'

[No. 43015/6/93-LSW]

N. BHAGAT, Director

कृषि मंत्रालय

नई दिल्ली, 1 अगस्त, 1995

का.आ. 2297—भारत के राजपत्र, तारीख 1 अप्रैल, 1995 के भाग 2, खंड 3, उपखंड (ii) में पृष्ठ संख्या 1262 एवं 1263 पर प्रकाशित भारत सरकार, कोयला मंत्रालय की अधिसूचना का.आ. 881 तारीख 8 मार्च, 1995 में—

पृष्ठ क्रमांक 1262—अधिसूचना में,

पंक्ति 8—“बिलासपुर 745001” के स्थान पर “बिलासपुर 495001” पढ़ें।

अनुसूची में, “जिल-बिलासपुर” के स्थान पर “जिला बिलासपुर” पढ़ें।

पृष्ठ क्रमांक 1263, सीमा वर्णन में,

रेखा ख—ग—“झोपिया” के स्थान पर “डोमिया” पढ़ें।

रेखा घ—क—“कराला” के स्थान पर “करताला” पढ़ें।

[सं. 43015/19/94-ए.ल.एस.डब्लू]

नरेन्द्र भगत, निदेशक

CORRIGENDUM

New Delhi, the 1st August, 1995

S.O. 2297.—In the notification of the Government of India in the Ministry of Coal No. S.O. 881, dated the 8th March, 1995, published at page 1263 of the Gazette of India, Part-II, Section-3, Sub-section (ii), dated the 1st April, 1995,

at page 1263, in line 2, the word “meant” shall be omitted; in the Schedule, for “Sl. No.” read “Serial No.”; against serial No. 1, in the column Patwari Halka number, for “26” read “25”;

in the column Name of Village, against serial No. 3, for “Ganeshwpur (Un-surveyed)” read “Ganeshpur (Un-surveyed)”;

against serial No. 5, in the Name of Village column, for “Tandubhatha” read “Tendubhatha”;

in the District column, for “Bilaspur” read “Bilaspur”; against serial No. 4, in the column Area in Hectare, for “1310.275” read “1310.274”.

[No. 43015/19/94-LSW]

N. BHAGAT, Director

कृषि मंत्रालय

(कृषि एवं सहकारिता विभाग)

नई दिल्ली, 17 अगस्त, 1995

का.आ. 2298.—केंद्रीय सरकार बहु-राज्य सहकारी समिति अधिनियम, 1984 (1984 का 51) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारत सरकार की अधिसूचना सं.एल.-11012/1/85 दिनांक 11 जुलाई, 1995 का अधिक्रमण करते हुए एत-

वारा कृषि मंत्रालय (कृषि एवं सहकारिता विभाग) में संयुक्त मन्त्रिव श्री मोहन कन्दा को आगामी आठदेशों तक केंद्रीय पंजीयक सहकारी समिति के पद पर नियुक्त करती है।

[सं. एल-11012/1/85-एस.एंड.एम]

दीन दयाल, उप मन्त्रिव

MINISTRY OF AGRICULTURE

(Department of Agriculture & Cooperation)

New Delhi, the 17th August, 1995

S.O. 2298.—In exercise of the powers conferred by sub-section (1) of section 4 of the Multi-State Cooperative Societies Act, 1984 (51 of 1984) and in supersession of the Notification of the Government of India No. L-11012/1/85-L&M, dated the 11th July, 1995, the Central Government hereby appoints Shri Mohan Kanda, Joint Secretary in the Ministry of Agriculture, Department of Agriculture and Cooperation as the Central Registrar of Cooperative Societies, until further orders.

[No. L-11012/1/85-L&M]

DEEN DAYAL, Dy. Secy.

रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 8 अगस्त, 1995

का.आ. 2299.—राजभाषा नियम, 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) श्रीर (4) के अन्तर्गत में रेल मंत्रालय, रेलवे बोर्ड उत्तर रेल के निम्नलिखित कार्यालयों को, जहां कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करता है:—

उत्तर रेल

(इन्हाहावार मंडन)

1. रेल स्टेशन, जिवनाथपुर
2. रेल स्टेशन, अहरोरा रोड
3. रेल स्टेशन, कैलहट
4. सहायक मंडल चिकित्सा अधिकारी, चुनार
5. रेल स्टेशन, विष्वनाथपुरी
6. रेल स्टेशन, सक्तेशगढ़
7. रेल स्टेशन, लूमा
8. रेल स्टेशन, कारमन
9. रेल स्टेशन, पसही कलां
10. रेल स्टेशन, खेराही
11. रेल स्टेशन, रावर्टसगंज
12. सहायक इंजीनियर, चुक्क
13. रेल स्टेशन, चुक्क
14. रेल स्टेशन, अगोरी छास
15. रेल स्टेशन, उगमगापुर

16. रेल स्टेशन, झिंगुरा
 17. रेल स्टेशन, पहाड़ा
 18. रेल स्टेशन, विद्याचल
 19. सहायक मंडल चिकित्सा अधिकारी, मिर्जापुर
 20. सहायक इंजीनियर, विद्याचल
 21. रेल स्टेशन, गंपुरा
 22. रेल स्टेशन, जिगना
 23. रेल स्टेशन, माडा गोड
 24. रेल स्टेशन, ऊचडीहू
 25. रेल स्टेशन, भीमपुर
 26. रेल स्टेशन, मेजारोड
 27. रेल स्टेशन, कर्णलना
 28. सहायक मंडल चिकित्सा अधिकारी, नैनी
 29. सहायक इंजीनियर, नैनी
 30. मुख्य चिकित्सा प्रधीकरक, इलाहाबाद
 31. रेल स्टेशन, सूबेदारगंज
 32. सहायक मंडल चिकित्सा अधिकारी, सूबेदारगंज
 33. रेल स्टेशन, बम्हरौली
 34. रेल स्टेशन, मनौरी
 35. सहायक इंजीनियर, मनौरी
 36. रेल स्टेशन, सैयद सरांथा
 37. रेल स्टेशन, मनोहरगंज
 38. रेल स्टेशन, भरवारी
 39. सहायक इंजीनियर, भरवारी
 40. सहायक इंजीनियर, सिराथू
 41. रेल स्टेशन, अथसराय
 42. रेल स्टेशन, कटोधन
 43. सहायक इंजीनियर, खाना
 44. रेल स्टेशन, सतनरेनी
 45. रेल स्टेशन फैजुल्लापुर
 46. मंडल चिकित्सा अधिकारी, फतेहपुर
 47. रेल स्टेशन, कुरस्तीकलां
 48. रेल स्टेशन, मालथां
 49. रेल स्टेशन, कुसपुर गुगौली
 50. सहायक इंजीनियर, बिंदकीरोड
 51. रेल स्टेशन, आंग
 52. रेल स्टेशन, करविंगवा
 53. रेल स्टेशन, प्रेमपुर
 54. रेल स्टेशन, सरसौल
 55. रेल स्टेशन, चकेरी
 56. रेल स्टेशन, चन्दारी
 57. मंडल चिकित्सा अधिकारी, कानपुर
 58. मंडल अभियंता/मुख्यालय, कानपुर
 59. सहायक दूरसंचार इंजीनियर, कानपुर
 60. सहायक जनसंपर्क अधिकारी, कानपुर
 61. सहायक अभियंता, कानपुर
 62. कोर्टिंग डिपां अधिकारी, कानपुर
 63. रेल स्टेशन, कानपुर जूही
 64. रेल स्टेशन, गोविंदपुरी
 65. रेल स्टेशन, पनकी
 66. रेल स्टेशन, भाडपुर
 67. रेल स्टेशन, मैथा
 68. रेल स्टेशन, रुदा
 69. गहायक इंजीनियर, रुदा
 70. रेल स्टेशन, सोशक
 71. सहायक इंजीनियर, हीझक
 72. रेल स्टेशन, अम्बियापुर
 73. रेल स्टेशन, कन्धीसी
 74. रेल स्टेशन, फकूद
 75. सहायक इंजीनियर, फकूद
 76. सहायक इंजीनियर, भरवना
 77. रेल स्टेशन, इकदिल
 78. सहायक विद्युत अभियंता/क.वि. इटवा
 79. मंडल चिकित्सा अधिकारी, इटवा
 80. रेल स्टेशन, जसवंत नगर
 81. रेल स्टेशन, बलरई
 82. रेल स्टेशन, भूदान
 83. रेल स्टेशन, कौरारा
 84. सहायक मंडल चिकित्सा अधिकारी, शिकोहाबाद
 85. सहायक इंजीनियर, शिकोहाबाद
 86. रेल स्टेशन, उरांव
 87. रेल स्टेशन, ताखा
 88. रेल स्टेशन, ओसमा
 89. रेल स्टेशन, टिण्डीसी
 90. सहायक इंजीनियर, मैनपुरी
 91. रेल स्टेशन, मैनपुरी (फलहरी)
 92. रेल स्टेशन, भोगांव
 93. रेल स्टेशन, छतरीन

94. रेल स्टेशन, मेटा
95. रेल स्टेशन, नीब कारोरी
96. रेल स्टेशन, उग्रपुर
97. रेल स्टेशन, मकद्दनपुर
98. सहायक इंजीनियर, फिरोजाबाद
99. रेल स्टेशन, हिरण्यगांव
100. रेल स्टेशन, मितावली
101. रेल स्टेशन, वर्धन
102. रेल स्टेशन, शिवला देह
103. रेल स्टेशन, शाहनगर टिमसुआ
104. रेल स्टेशन, जलसेर नगर
105. रेल स्टेशन, कुसत्रा
106. रेल स्टेशन, वसुन्धरा
107. रेल स्टेशन, जबाहरपुर कमसन
108. सहायक इंजीनियर, एटा
109. रेल स्टेशन, यमुना ड्रिज
110. रेल स्टेशन, छलसेर
111. रेल स्टेशन, एतमादपुर
112. रेल स्टेशन, चमरोंदा
113. रेल स्टेशन, जलसेर रोड
114. रेल स्टेशन, पोरा
115. रेल स्टेशन, हाथरस किला
116. सहायक मंडल चिकित्सा अधिकारी, हाथरस
117. सहायक इंजीनियर, हाथरस
118. रेल स्टेशन, सासनी
119. रेल स्टेशन, मङ्गराफ
120. रेल स्टेशन, दाउद खां
121. मंडल अभियंता, अलीगढ़
122. रेल स्टेशन, मेहरावन
123. रेल स्टेशन, कुलवा
124. रेल स्टेशन, सोमना
125. रेल स्टेशन, झोवर
126. सहायक मंडल चिकित्सा अधिकारी, खुर्जा
127. रेल स्टेशन, सिकंदरपुर
128. रेल स्टेशन, चोला
129. रेल स्टेशन, बैर
130. रेल स्टेशन, दनकोर
131. रेल स्टेशन, अजायबपुर
132. रेल स्टेशन, दादरी
133. रेल स्टेशन, मारीपत्त
134. सहायक अभियंता, गाजियाबाद
135. सहायक मंडार नियंत्रक, गाजियाबाद
136. सहायक इंजीनियर, दनकोर

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 8th August, 1995

S.O. 2299.—In pursuance of Sub-Rules (2) and (4) of Rule 10 of the Official Languages (Use for the Official purposes of the Union) Rules, 1976 the Ministry of Railways (Railway Board) hereby notify the following Offices of Northern Railway, where the staff have required the working knowledge of Hindi :—

NORTHERN RAILWAY (ALLAHABAD DIVISION)

1. Railway Station, Jeonathpur
2. Railway Station, Ahaura Road
3. Railway Station, Kailhat
4. Assistant Divisional Medical Officer, Chunar
5. Railway Station, Vishwanathpuri
6. Railway Station, Sakteshgarh
7. Railway Station, Lusa
8. Railway Station, Karman
9. Railway Station, Pasohi Kalan
10. Railway Station, Kharahi
11. Railway Station, Robertsganj
12. Assistant Engineer, Churk
13. Railway Station, Churk
14. Railway Station, Agori Khas
15. Railway Station, Dagmagpur
16. Railway Station, Jhingura
17. Railway Station, Pahara
18. Railway Station, Vindhyaichal
19. Assistant Divisional Medical Officer, Mitzapur
20. Assistant Engineer, Vindhyaichal
21. Railway Station, Gaipura
22. Railway Station, Jigna
23. Railway Station, Manda Road
24. Railway Station, Unchdih
25. Railway Station, Bhirpur
26. Railway Station, Meja Road
27. Railway Station, Karchhana
28. Assistant Divisional Medical Officer, Naini
29. Assistant Engineer, Naini
30. Chief Medical Supdt., Allahabad
31. Railway Station, Subedarganj
32. Assistant Divisional Medical Officer, Subedarganj
33. Railway Station, Bamrauli
34. Railway Station, Manauri
35. Assistant Engineer, Manauri
36. Railway Station, Said Sarawan
37. Railway Station, Manoharganj
38. Railway Station, Bharwari
39. Assistant Engineer, Bharwari
40. Assistant Engineer, Siratbu
41. Railway Station, Athasarai
42. Railway Station, Kattoghan
43. Assistant Engineer, Khaga
44. Railway Station, Satnaraini
45. Railway Station, Faijullahpur
46. Divisional Medical Officer, Fatehpur

47. Railway Station, Kurastikalan
 48. Railway Station, Malwa
 49. Railway Station, Kanaspur Gugoli
 50. Assistant Engineer, Bindkiroad
 51. Railway Station, Aug
 52. Railway Station, Karvingwa
 53. Railway Station, Prempur
 54. Railway Station, Sarsaul
 55. Railway Station, Chakeri
 56. Railway Station, Chandari
 57. Divisional Medical Supdt., Kanpur
 58. Divisional Engineer (H.Q.), Kanpur
 59. Assistant Signal and Tel. Comm. Engineer, Kanpur
 60. Assistant Public Relation Officer, Kanpur
 61. Assistant Engineer, Kanpur
 62. Coaching Depot Officer, Kanpur
 63. Railway Station, Kanpur Juhu
 64. Railway Station, Govindpuri
 65. Railway Station, Panki
 66. Railway Station, Bhaupur
 67. Railway Station, Maitha
 68. Railway Station, Rura
 69. Assistant Engineer, Rura
 70. Railway Station, Jhinjhak
 71. Assistant Engineer, Jhinjhak
 72. Railway Station, Ambiyapur
 73. Railway Station, Khanchausi
 74. Railway Station, Faphund
 75. Assistant Engineer, Faphund
 76. Assistant Engineer, Bharthana
 77. Railway Station, Ekdil
 78. Assistant Electrical Engineer (TRD) Itawah
 79. Divisional Medical Officer, Itawah
 80. Railway Station, Jaswant Nagar
 81. Railway Station, Balrai
 82. Railway Station, Bhudan
 83. Railway Station, Kaurara
 84. Assistant Divisional Medical Officer, Shikohabad
 85. Assistant Engineer, Shikohabad
 86. Railway Station, Uraon
 87. Railway Station, Takha
 88. Railway Station, Oshma
 89. Railway Station, Tindauli
 90. Assistant Engineer, Mainpuri
 91. Railway Station, Mainpuri (Kachahri)
 92. Railway Station, Bhogaon
 93. Railway Station, Khatraun
 94. Railway Station, Meta
 95. Railway Station, Niva Karori
 96. Railway Station, Ugarpur
 97. Railway Station, Makhanpur
 98. Assistant Engineer, Firozabad
 99. Railway Station, Hirangaon
 100. Railway Station, Mitawali
 101. Railway Station, Barhan
 102. Railway Station, Shivala Tehu
 103. Railway Station, Shahnagar Timaruwa

104. Railway Station, Jalesarnagar
 105. Railway Station, Kusawa
 106. Railway Station, Bashundhara
 107. Railway Station, Jawaharpur Kamsan
 108. Assistant Engineer, Eta
 109. Railway Station, Yamuna Bridge
 110. Railway Station, Chhalesar
 111. Railway Station, Etinadpur
 112. Railway Station, Chamraula
 113. Railway Station, Jalesar Road
 114. Railway Station, Pora
 115. Railway Station, Hathras Kila
 116. Assistant Divisional Medical Officer, Hathras
 117. Assistant Engineer, Hathras
 118. Railway Station, Sasni
 119. Railway Station, Madrak
 120. Railway Station, Daud Khan
 121. Divisional Engineer, Aligarh
 122. Railway Station, Mehraval
 123. Railway Station, Kulwa
 124. Railway Station, Sonna
 125. Railway Station, Danver
 126. Assistant Divisional Medical Officer, Khurja
 127. Railway Station, Sikandarpur
 128. Railway Station, Chola
 129. Railway Station, Bair
 130. Railway Station, Dankaur
 131. Railway Station, Ajaibpur
 132. Railway Station, Dadri
 133. Railway Station, Maripat
 134. Assistant Engineer, Ghaziabad
 135. Assistant Controller of Stores, Ghaziabad
 136. Assistant Engineer, Dankaur.

[No. Hindi-95/OL-1/12/1]

S. A. A. ZAIDI, Secy. Railway Board

दिल्ली विकास प्राधिकरण

सार्वजनिक सूचना

नई दिल्ली, 16 अगस्त, 1995

का. आ. 2300—केन्द्रीय सरकार का मुख्य योजना/मसौदा क्षेत्रीय विकास योजना में निम्नलिखित संशोधन करने का प्रस्ताव है जो सार्वजनिक सूचना के लिए एसदद्वारा प्रकाशित किया जाता है। प्रस्तावित संशोधन के संबंध में यदि किसी व्यक्ति को कोई आपत्ति हो/कोई सुझाव देना हो तो वह अपनी आपत्ति/सुझाव इस सूचना के जारी होने की तारीख से 30 दिनों की अवधि के अंदर लिखित रूप में आयुक्त एवं सचिव, दिल्ली विकास प्राधिकरण, विकास सदन, “बी” ब्लाक, आई.एन.ए., नई दिल्ली को भेज सकता है। आपत्ति करने/सुझाव देने वाला व्यक्ति अपना नाम और पता भी दें।

संशोधन :—

“जोन ‘बी’ (दक्षिण दिल्ली) में पड़ने वाले और उत्तर में मौजूदा पार्क की तरफ 24 मीटर छोड़ी सड़क से, पूर्व

में त्यागराज नगर की तरफ 24 मीटर चौड़ी सड़क से, दक्षिण में नाले की तरफ 24 मीटर चौड़ी सड़क से और पश्चिम में डी.डी.ए. विकास सदन की तरफ 24 मीटर चौड़ी सड़क से घरें लगभग (12.55 हेक्टेयर) (31 एकड़) भूमि के भूमि उपयोग का सङ्क किनारे हरित (7 एकड़) और स्टेशियम (12.17 एकड़) सहित "मनोरंजनात्मक उपयोग" से "आवासीय उपयोग" में बदलने का प्रस्ताव है।"

2. प्रस्तावित संरचना का दर्शन वाला नक्शा निरीक्षण के लिए उक्त अधिकारी के अंदर सभी कार्य-विवरों को संयुक्त निवेशक, मुख्य योजना अनुभाग, छठी मंजिल, विकास मीनार, आई.पी. इस्टेट, नई दिल्ली के कार्यालय में उपलब्ध होगा।

[स. एफ 20(11) 92-एम.पी.]

विष्व मोहन बसल, आयुक्त एवं मंत्रिव

DELHI DEVELOPMENT AUTHORITY

PUBLIC NOTICE

New Delhi, the 16th August, 1995

S.O. 2300.—The following modification which the Central Government proposes to make in the Master Plan/Draft Zonal Development Plan, is hereby published for public information. Any person having any objection/suggestion with respect to the proposed modification may send the objection/suggestion in writing to the Commissioner-cum-Secretary, Delhi Development Authority, Vikas Sadan, 'B' Block, INA, New Delhi within a period of 30 days from the date of issue of this notice. The person making the objection/suggestion should also give his name and address.

MODIFICATION

"The land use of an area, measuring about 12.55 ha. (31 acres) falling in Zone 'D' (South Delhi) and bounded by 24 mtrs. wide road towards existing park in the North, 24 mtr. wide road towards Tyagraj Nagar in the East, 24 mtr. wide road towards Nallah in the South and 24 mtr. wide road towards DDA Vikas Sadan in the West, is proposed to be changed from 'recreational use' to 'residential use' including the 'road side green' (7 acres) and 'Stadium' (12.17 acres)."

2. The plan indicating the proposed modification will be available for inspection at the office of the Joint Director, Master Plan Section, 6th floor, Vikas Minar, I. P. Estate, New Delhi on all working days within the period referred above.

[No. F. 20(11)/92-MP]

V. M. BANSAL, Commissioner-cum-Secy.

थ्रम मंत्रालय

नई दिल्ली, 2 अगस्त, 1995

का.आ. 2301—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भा. भारत कोकिंग कॉल लि. का ओद म. 12 के प्रबंधतात्व के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्विघ्न औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1) धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-8-95 को प्राप्त हुआ था।

[संख्या एल-20012/66/93- आई.आर. (कोल-I)]

ग्रज मोहन, डैस्ट्रक्ट अधिकारी

MINISTRY OF LABOUR

New Delhi, the 2nd August, 1995

S.O. 2301.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 1) Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Area No. XII of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on 1-8-1995.

[No. L-20012/66/93-I.R (Coal-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Section 10(1)(d) (2-A) of the Industrial Disputes Act, 1947

Reference No. 76 of 1994

PARTIES :

Employers in relation to the management of C. V. Area of M/s. Bharat Coking Coal Limited.

AND

Their Workmen.

PRESENT :

Shri P. K. Sinha, Presiding Officer

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—None.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 24th July, 1995

AWARD

By Order No. L-20012/66/93-I.R. (Coal-I) dated 16-3-1994 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the dispute for adjudication in this Tribunal with following schedule :

"Whether the action of the management of M/s. BCCL Area No. XII in terminating the services of Sri Amrit Hari, Sweeper, NLOCP w.e.f. 16-6-92 is justified ? If not, what relief the concerned workman entitled to ?"

2. The order of reference was received in this Tribunal on 4-4-1994. Thereafter the case was fixed for filing written statement on behalf of the workman. Despite registered notice and also notice through official messenger sent to the sponsoring Union no one appeared on behalf of the workman to file written statement. Even on 21-7-95 none appeared on behalf of the workman.

3. Therefore, it appears that neither the sponsoring Union nor the concerned workman is interested in prosecuting the present reference.

Under such circumstances I render a 'no dispute' award in the present reference.

P. K. SINHA, Presiding Officer

नई दिल्ली, 3 अगस्त, 1995

का.आ. 2302 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमति में, केन्द्रीय सरकार केनारा बैंक के प्रबंधताव के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुदंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकारण, 2, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-8-95 को प्राप्त हुआ था।

[मंस्या एल-12011/85/87/ठी] प/थाई.आर.बी. 2]
के.वी.वी.उन्नी, इम्फ अधिकारी

New Delhi, the 3rd August, 1995

S.O. 2302.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, 2, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workmen which was received by the Central Government on 2-8-95.

[No. L-12011/85/87-D.IIA/IR(B-II)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NO. 2, BOMBAY

PRESIDENT :

Shri S. B. Panse, Presiding Officer

Reference No. CGIT-2110 of 1988

Employers in relation to the Management of Canara Bank.

AND

Their Workmen

APPEARANCES :

For the Employer.—Mr. P. K. Rele & Mr. R. N. Shah, Advocates.

For the Workmen.—Mr. Madan Phadnis, Advocate
Bombay, dated 14th July, 1995

AWARD (Part-II)

The Government of India Ministry of Labour by its letter No. L-12011/85/87-D.IIA(A) dated 10th of February, 1988 had referred to the following Industrial Dispute for adjudication

THE SCHEDULE

"Whether the action of the management of Canara Bank in not appointing on regular basis such workmen who were continued in employment for more than 240 days in 12 months' period from January, 1983 to January, 1985, paying about half of the wages in comparison to their counterparts on regular jobs of the type and causing artificial break in employment in respect of Shri A. P. Suryavanshi and Shri S. G. Bhalerao and 69 others is justified? If not, to what relief are the concerned workmen entitled?"

2. My Learned Predecessor by his Part-I Award decided the issues No. 1, 2 & 3 as the preliminary issues on 30-5-1990. Now I have to decide the remaining issues. The issues and my findings thereon are as follows :—

ISSUES

FINDINGS

4. Whether the action of the Bank management in denying to the daily rated work-

men in question who have completed more than 240 days' service, the right of being confirmed in the posts of subordinate staff is arbitrary, capricious and illegal?

No

5. Whether the action of the management of Canara Bank in not appointing on regular basis such workmen who were continued in employment for more than 240 days in 12 month's period from January, 1983 to January, 1985, paying about half of the wages in comparison to their counter-parts on regular jobs of the type and causing artificial break in employment in respect of Shri A. P. Suryavanshi and Shri S. G. Bhalerao and 69 others is justified? As per order.

6. If not, to what relief are the concerned workmen entitled? As per order.

7. What Award? As per order.

3. Before giving my reasons to the findings it is necessary to give the facts of the case in nutshell.

4. The Canara Bank Staff Union filed a statement of claim. It is contended that the service conditions of the workmen in Banking industry in this country are codified on all major issues. First such codification of service conditions came under Shastri Award in 1953. It was also followed by the K. T. Desai Award in 1962. Later on these Awards were modified by 1st to 5th Bi-partite Settlements.

5. The employer Bank used to appoint employees in the scales applicable to the categories and cadre. They were appointed as a temporary or on probation. The employees are classified by Shastri Award in 4 categories. However, from 1978 onwards the employer Bank started appointing employees in subordinate cadre on daily rated basis which is not provided in any of the Awards or agreements applicable to the Banking industry.

6. The Union asserts that the system of appointment of daily rated basis was introduced by the employer Bank consequence to the Government's directions to the Banking industry on ceiling of recruitment. In the year 1976 there were 1015 branches of the Bank. By 1988 the number was increased to 1880. To cope up the work the Bank started recruiting daily rated subordinate staff in its employment and started paying daily rate without any allowance in the nature of dearness allowance, compensatory allowance, house rent allowance nor they were given other facilities by their counterpart in the permanent employee. Initially they were paid Rs. 15 per day which was raised to Rs. 33 per day. But those employees who have been recruited are doing identically the same job in different branches were getting special allowance prescribed by the Awards and Bi-partite Settlement.

7. The Union submitted that the daily rated employees having employed to do the work of a permanent subordinate staff they are not given the same benefits including wages and other service conditions as per with those enjoyed by the permanent subordinate staff employed by the Bank. This issue was raised by the Union with the Bank. But it has no effect then the Union approached the Government of India through its Labour department. In its investigation ultimately the dispute was admitted in Conciliation but no settlement could take place during the Conciliation proceedings with the result the above said reference.

8. The Union contended that the daily rated employees concern in this reference are doing the permanent jobs and not the casual work in the Bank in any of its Branches. They are doing identically the same type of job without any discrimination. So far as the nature of job is concerned. It is aver that practically every employee had worked more than 245 days in a year as shown in Annexure-A to the statement of claim. It is aver that apart from confirmation of the said employees which is the subject matter of the reference. The anti-labour policy and unfair labour practice followed by the employer Bank has to be seen. As per the Awards and Bi-partite Settlements the employers are

entitled to dearness allowance and other service conditions. But those benefits were not extended to the daily rated employees and their total salary at the end of the month constitute not more than 50 per cent of the salary and wages paid to subordinate staff doing identically the same type of job which is being done by the daily rated employee. It is aver that while codifying the service conditions of the Bank employees including their wages no distinction was made either under the Awards or under Bi-partite Settlements between the 2 employees. Under such circumstances the employer Bank was bound to place the daily rated employees in the scales of pay applicable to the subordinate staff from the day of their employment and in respective of the fact whether they were confirmed or not. They should have been continued to be governed by the provisions of the Awards and Bi-partite Settlements.

9. The Union contended that the action of the employer Bank in denying to the daily rated employee who have completed more than 240 days in right of being confirmed in the post of subordinate staff is arbitrary, capricious and violative of the provisions of the constitution of India. It is asserted that the management wrote letters to its different branches that they should see that such daily rated employee is given a break in every month with a view that their working days should not be 240 days in a 12 months. This amounts to unfair labour practice adopted by the employer Bank. It is submitted that the daily rated employees have been working in the permanent post as a large number of subordinate staff who retired from the employment their post has not been filled as such their daily rated employees can be very well absorbed in their place.

10. The Union contended that the employer Bank is a state within the meaning of article 12 of Constitution of India. That being a position the Bank cannot absorb with all sanctity the provisions of article 14 & 16 of Constitution of India. It is aver that the employer is expected to function like a model and enlightened employer and any action which is contrary to the law and taken in for want of good faith must be rejected and all the workmen concern in this reference should be confirmed w.e.f. the date they were respectively employed with monetary reliefs.

11. The Union asserts that the question about equal pay for equal work is no more a matter of doubt. The Supreme Court in large number of case and have observed that there should be equal pay for equal work.

12. It is aver that the differentiative treatment given to the daily workmen by the Canara Bank vis-a-vis the permanent workmen working in the subordinate cadre can be seen from the payment which is made to them. The subordinate staff for the first year of service was given Rs. 1091.31 P., second year of service Rs. 1114.48 P., third year of service Rs. 1138.90 P. 4th year of service Rs. 1173 and 5th year of service 1231.51 P. as against that a daily rated employee is paid a meagre salary of Rs. 838 only in respect of the number of the years of service they have put in the Bank. The daily rated employees get the same wages as referred at the rate of Rs. 13 per day and not paid for the holiday and weekly, of which is contrary to the provisions of the Bombay Shops and Establishments Act.

13. The Union prayed that the daily rated employees who have put in more than 240 days in 12 months period may be confirmed and regularised them in respect of their position w.e.f. date of their employment. It is also prayed that as a consequential and incidental relief they should be awarded full wages and other service conditions as provided in Shastri Award, Desai Award and modified subsequently by Bi-partite Settlements. The Union further prayed that even in respect of those workers direction is not given for confirmation the management may be called upon to pay merit the wages payable. Now under the 4th Bi-partite Settlement including basic pay, dearness allowance, city compensatory allowance, house rent allowance etc. irrespective of fact whether such employee is confirmed or not.

14. The management resisted the claim by their written statement Ex. '3'. It is asserted that the reference is misconceived and deserves to be rejected. It is submitted that a question of recruitment of casual/temporary workmen described as daily wages was subject matter of writ petition No. 281 of 1986 filed in the Supreme Court of India. The petition was disposed off by an order dated

8th of September, 1986 the Lordship directed to absorb the employees who have completed 240 days in a year as per the occurrence of the vacancies. In view of the said order the reference does not exist. It is aver that the Bank had around 8700 sub-staff as on 31st of December, 1987. Those employees have a higher leave taking record to ensure good customers service daily-wages are engaged as per the exigencies. The management denied that the daily wagers are not performing any duties which attract special allowances. It is aver that merely because a daily wager completes 240 days of working it will not entitle him to permanent absorption is required to wait till vacancy arises. It is submitted that most of the employees mentioned in the list are already absorbed.

15. The management contended that having regard to the scope of the terms of reference it is not open for the Union to raise the dispute regarding alleged anti labour policy or unfair labour practice engaged in the Bank. It is denied that the daily rated workmen are entitled to benefits of the Awards or Settlements. It is submitted that the administrative instruction in the letter dated January 1988 to the effect that daily wagers are to be given a break etc. is immaterial in as much as for the scheme of the Bank daily wages who are to be in panel, daily wagers are entitled to absorption as and when vacancies arises as per their seniority.

16. The management while referring to the different authorities referred to in the statement of claim, Awards and Bi-partite Settlements contended that while deciding the reference they will bring on the record true purport of it. It is asserted that the number of equal pay and equal work is not applicable in the instance case. It is submitted that the reference to the Bank as a state and different articles of the Constitution has no relevancy. It is submitted that staff union has made out no case and no case exists for granting the demands.

17. The management pleaded that for the above said reasons it is not possible for the Bank to concede that the daily wagers whose names have been appointed in the claim statement have to be given permanent absorption immediately. It is aver that they will be entitled to permanent absorption as and when vacancies arises as per their seniority. There is no scope whatsoever for the respondent Bank to extent salary and allowance DA, HRA, CCA etc. to the daily wagers when they are not governed by any of the Awards or Bi-partite Settlements. It is, therefore, prayed that the petitioner Union is not entitled to any reliefs as claimed and the reference has to be answered in favour of the management.

18. After dealing with the facts as stated above I would like to give reasons for my findings. To bolster up the case Union had examined Jagannath Parshutam Survanshi (Ex. '13'), Sanjay Narayan Surve (Ex. '14'), Sudama Marti Belo (Ex. '15'), for all workmen concerned in this dispute and GNV Naik (Ex. '16') the General Secretary of the Union. As against this the management examined Pidathala Nagrai Ramesh (Ex. '18') the manager of the Bank.

19. Mr. Phadnis the Learned Advocate for the Union after referring to the reference emphatically argued that the reference is not merely for confirmation of the employees from future date but it is for their confirmation in regular cadre from the first appointment with other monetary benefits as per the Shastri Award, Desai Award and all Bi-partite Settlements. He argued that article 12 of the Constitution of India deals with fundamental rights. According to him Nationalised Banks are a State within the manner of article 12 of the Constitution. To substantiate this position he placed reliance on N.B. Shukla V/s. Bank of Baroda 1979(1) 111 291, Sukhdev Singh V/s. Bhagatram AIR 1975 (SC) 1331 and Ajay Hasia V/s. Khali Mujid 1981 (1) LLJ 103. So far as this position is concerned Mr. Rege the Learned Advocate for the management had no dispute.

20. Mr. Phadnis the Learned Advocate for the Union was harping on the topic of article 12 of the Constitution emphasised the responsibility and duty of the employer in the case. He also referred to article 16 of the Constitution to point out that the duty of the Bank as an employer. He also referred to several authorities to substantiate his argument. But Mr. Rege the Learned Advocate for the council had no disputed this position also. It can be seen from his oral and written arguments he had not touched this topic at all.

21. It is not in dispute that the service conditions of the Award staff are governed with Shastri Award, Desai Award and subsequent Bi-partite Settlements.

22. The issues now remained to be answered deals with the questions of the employees for (I) not appointing on regular basis who have completed 240 days, (II) the employees being paid half salary than their counterpart in a regular service and causing artificial breaks. Suryavanshi, Surya Bele and Naik affirmed that the concern employees were doing permanent nature of duties. They did the work of a peon. Ramesh the witness for the management accepts this position. It is not in dispute that all these employees were appointed as a daily rated workers.

23. It is argued on behalf of the union that the principle of equal pay for equal work is well accepted. To substantiate this contention he placed reliance on different authorities. So far as this principles is concerned there is no dispute. On the basis of this principle it is tried to argue on behalf of the Union that the concern employees should have been paid the salaries like that of regular employees in that cadre with other benefits which they are given. This is strongly opposed on behalf of the management. I will be dealing to this topic little later. The words not appointing on regular basis appearing the reference had given rise to much to the arguments advanced on behalf of the Union. Referring to the dictionary meaning of the word regular, it is submitted that regular means bound by religious rules, arrangements or objects following or accepting principles, harmony, consistant system. Therefore it is submitted that the submissions on behalf of the management that the reference is for confirming the employees only should not be accepted. No doubt the reference is not only for confirming the employees who had completed 240 days in a year mentioned in the reference. That is the period between January 1983 to January 1985.

24. There is a writ petition between Canara Bank employees Union and the Management bearing No. 281 of 1986. On 8th of September, 1986 the Lordship of the Supreme Court disposed off the same. The question of recruitment of casual/daily rated workmen known as daily wagers was the subject of it. While disposing off the matter their Lordship observed that petitioners who are casual workmen in the employment in a year will be retained in service and will also be considered for absorption as and when vacancies arise. This order was passed on the basis of the undertaking given by the Bank. Subsequent to the above said order on 8th of May, 1987 the order was clarified by there Lordship by observing that the Court intended that the casual workmen described as a daily wagers employed in Canara Bank who had completed 240 days in 12 calendar months would have preference for absorption as and when vacancies arises. The first such daily wager will be entitled to be considered for the first vacancy arises. It is further observed that when the order dated 8th September, 1986 was passed when the reference was made being rated in service what was intended was that they would be retained in the panel of daily wagers. The Canara Bank will consider such casual workmen for daily wagers for absorption as and when vacancies arises in accordance with the practice followed by them hitherto for.

25. From the above said orders of the Supreme Court it is tried to argue on behalf of the management that the preference for absorption would be given as and when vacancies arises and the Supreme Court intended when it provided that the workmen would be retained in service was that they would be retained in the panel of daily wagers. This point was emphasised to counter attack of the Union that from the beginning these employees should be treated as a regular employees.

26. The learned Advocate for the management placed reliance on Kumarsingh and Others, V/s. U.P. State Road Transport Corporation 1989 (1) L.N. 844. There Lordships observed "The petitioners are labourers on daily wages and can be awarded minimum pay of a clerk because that work is being taken from them but on this ground alone cannot claim their regularisation as clerks in particular region. Regularisation can be made when posts are available. Till posts are made available by the Opposite Parties their regularisation against such posts cannot be considered". The ratio in the said authority is that the daily wagers can only claim

regularisation as and when vacancies arises or the posts are made available.

27. In the case of English Electric Company of India Limited V/s. Industrial Tribunal Madras 1987 I LLJ 141 their Lordship observed, the fact that casual employee has put in 240 days of his service does not automatically entitle him to the status of permanent employee though it cannot be disputed that in such a case the termination of his employment has to be in accordance with the provisions of section 25F of the Act. Therefore the question as to whether service of a casual employee have been terminated and if so whether there is compliance of the provisions of section 25F of the Act in the case of a casual employee who have put in 240 days of a service cannot be clouded by the notion that such a employee has acquired permanent status.

28. In another case, Madhav Textile Mill, Hubli V/s. Additional Industrial Tribunal and another 1974 I LLN page 367 there Lordships have observed that the workmen is employed as a badli. He has no right to claim continuous employment. His employment automatically comes to an end as soon as his specified work for the period of work is over. He has no right to claim employment and reinstatement. The evidence of the witness of the Union clearly speaks out that they were engaged as daily wagers against the leave vacancies. Under such circumstances they cannot claim automatic regularisation-reinstatement. I find substance in it in view of the ratios given in the above said authority. It is tried to argue on behalf of the Union referring to Awards and Bi-partite Settlement that there are 4 classes of employees namely (a) permanent, (b) probationers, (c) temporary and (d) part time employees. It is submitted that there is no distinction under the Award for the terms and conditions in Banking industry for a permanent, temporary or a badli worker. All are entitled to the same service conditions provided in the said 2 Awards and subsequent Settlements. Therefore the management's non-application of service condition to the concerned employees violates Awards, article 14 and the principles of equal pay for equal work.

29. Ramesh the Bank's witness categorically affirmed that daily wagers in the Bank were and are paid their wages calculated on the basis of the first state of a monthly basic pay + DA + HRA + CCA applicable to permanent subordinate staff divided by 30 and such a daily wager where because of dearness allowance which linked to consumer price index. The evidence which is led by the Union is not of a such a nature for coming to the conclusion that the daily wagers are paid about half the wages of their counterparts. It is not in dispute that the daily wagers are not given annual increments as claimed by the Union. It is tried to submit that after working for more than 240 days in a 12 months the concern employee has to be treated as entitled to get an annual increment. This submission cannot be accepted. It is because that annual increment is given to the employee after completing one year service. The figure of 240 days in a year came into statute with a view to give the employees work offer that much period, a particular status. The section nowhere refers to that if such a status is acquired he is entitled to early increment also. That does not appeal also. Because working for 240 days in a year cannot be said to be 365 days working.

30. It is tried to suggest that the employees had done the work of a person who is a permanent category. There appointment has to be said to be temporary or a badli referring to the decision of the Supreme Court. It is admitted that the workmen therein were casual workmen. Herein this case the challenge is made to such a category. Appointment of a casual workmen for a casual work which has nothing to do with the Banking operation and Bank business and employee appointed for Bank business and a Banking operations is another thing. Confirmation as a permanent workmen in the case of earlier category, cannot be equated with the phenomenon of confirmation of a person who is appointed in a later category is not the same. I am not inclined to accept this submission. From perusal of the record it is clear that the employees who were before the Supreme Court in Canara Bank's case were not casual workmen doing the casual work only. The work which is done by these employees here is admittedly that of a peon. The word casual in this case relates to the availability of the

work as a casual and not as a regular. It has no reference to the work but has a reference to the availability of the work by way of casual. Under such circumstances the ration given in the decision of the Supreme Court in Canara Bank's case which I have discussed above has to be made applicable.

31. In Desai Award paragraph 23.16 states service conditions of a temporary employee including daily rated probationers and part time employee. It states "no case is made out for providing the identical service conditions for temporary employee, probationers and part time employee as those provided for a permanent workmen. The matter has been dealt in other parts of the Awards and further directions has been given in connection therewith. This clearly goes to show that the service conditions for daily rated workers cannot be equated with that of a regular employees.

32. The Learned Advocate for the Union while dealing with paragraph 23.16 of the Desai Award had drawn my attention to paragraph 8.33 of the same Award. It states that the length of service shall be calculated as the total period from the day of initial appointment where permanent temporary or probation to the day of cessation of the Banks' service. This para cannot be said to be applicable to the daily rated employees. Their status is quite different from those other categories.

33. It is not in dispute that a panel of persons satisfying the recruitment rules is prepared to be engaged as a daily wagers. The panel is maintained districtwise. The persons who are on those panels are absorbed against the permanent vacancy as and when on the basis of their seniority in such a panel. It is argued that most of the employees mentioned in Annexure-A of the statement of claim are absorbed on a regular basis. They were absorbed on the basis of the decision of the Supreme Court. The management had given numbers of the employees who were already regularised and contended that 2 of the daily wagers were expired 3 were employees elsewhere. 2 did not report and others could not be absorbed for the reasons mentioned against them (Ex. 17/1). Therefore it is very clear that leaving aside the figure of 7 who are said to be died, employed elsewhere and did not report the 10 employees remained to be regularised. It is tried to suggest that those who are not regularised for the reasons mentioned before them but in front of some employees there is no remark. It appears to me that as their term come they will be absorbed as per the seniority and the rules made by the management.

34. Survanshi affirmed that he was engaged in January 1984 but he had not adduced any evidence to show that he was so engaged. From the wages paid to him it is apparent that he was engaged for the first time in November, 1984 or thereabout. He was paid for the years 1984, 1985 and 1986. There is no evidence to show that Survanshi was engaged for 240 days during the period from January 1983 to January 1985 as per the terms of the reference. It is tried to argue that as such his regularisation cannot and does not arise. Legally there is force in this submission. But it can be seen that after the period of reference Survanshi has completed 240 days in service as per the decision of the Supreme Court and as per the policy of the Bank his case has to be considered by the management. I need not say that to avoid further litigation the case of Survanshi will be considered by the management as and when his term come.

35. So far as artificial breaks are concerned alongwith the statement of claim at Ex. 'C' a letter dated 2nd of January 1986 issued by Assistant General Manager to the Divisional Bank Canara Bank is produced. It speaks "In terms of instructions received from our head office we request you to instruct all branches coming under your jurisdiction to give a break of say one week or 10 days every month so that a particular daily wage earner does not complete a working for 240 days in any twelve months period". Ramesh affirms of that he is not aware of issuance of such a circular. Admittedly these employees were appointed to do the work of a peon who were on leave. Naturally when those peons joined the duties there is break to the service of concern employees. As this is so even if the circular was issued it cannot be linked with the services of these employees for coming to the conclusion of an artificial break was given to them with view that they should not complete 240 days. It is worth noting that so far as these employees

are concerned they have completed 240 days in a year therefore the question of giving artificial break does not arise.

36. For the above said reasons I record my findings on the point accordingly and pass the following order.

ORDER

1. The action of the management in not regularising the services of Suryvanshi and 68 others is justified as they are being regularised as per the occurrence of a regular vacancy. The remaining employees mentioned in the list are to be absorbed on regular vacancy as per the availability of regular vacancy.
2. A. P. Suryvanshi had not completed 240 days from January 1983 to January 1985 is not entitled to regularisation in this reference. The Union fail to establish payment of half salary wages to the concern employees in comparison to their counterpart on a regular job. The Union fail to establish there were artificial break in employment in respect of concern employees.
3. No order as to cost.

S. B. PANSE, Presiding Officer

नई दिल्ली, 4 अगस्त, 1995

का.आ. 2303 —औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पलंग रिसर्च के प्रबन्धालय के मंसूड़ नियोजकों और उनके कर्मचारों के बीच, अनुवंश में निश्चिप्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-95 को प्राप्त हुआ था।

[संख्या पत्र-42012/195/87- डि-II (बी)]

के. श्री. श्री. उमी, डैम्प अधिकारी

New Delhi, the 4th August, 1995

S.O. 2303.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure, in the Industrial Dispute between the employees in relation to the management of Pulses Research and their workmen, which was received by the Central Government on 4-8-95.

[No. L-42012/195/87 D-II(B)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 30 of 1989

In the matter of dispute between :

Vijai Babadur,
S/o Bhagwan Din,
C/o K. K. Mishra,
123/494, Fajalganj,
Kanpur.

AND

The Director,
M/s. J.C.A.R. Krishi Anusandhan Parishad,
G T. Road, Kanpur.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification no. L-42012/195/87 D. II(B) dated nil has referred the following dispute for adjudication to this Tribunal :—

"Whether the action of the management of Pulses Research (I.C.A.R.) Kanpur in terminating Sri Vijay Shanker S/o Sri Bhagwan Din daily rated workman from service with effect from 22-4-85 is justified ? If not to what relief the concerned workman is entitled to?"

2. The case of the concerned workman Vijay Bahadur is that he was appointed in Directorate of Pulses Research Kanpur an Institute run by I.C.A.R. New Delhi on 17-4-84 at a post, the work of which was of permanent nature. Although the work which was assigned to the concerned workman was of permanent nature, he was kept as a daily rated worker. He continued to do these job till 21-4-85, when his services were abruptly terminated. This termination order is bad in law as compliance of section 25-F was not complied at all. Further rule of first come last go was also not complied with.

3. The management has filed written statement in which he has alleged that the concerned workman was engaged as casual labour on daily rated wages according to exigency of work. He had not completed 240 days in a calendar year. In all he had worked for 20 days in the month of January, 85 for 21-1/2 days in Feb. 85, for 24 days in March 85, for 17 days in April, 1985. Later he ceased coming to office from 17-4-85. He was not retrenched. It is also alleged that opposite party is not an industry hence this reference is bad in law. It is also denied that breach of section 25G has been committed.

4. The concerned workman has filed rejoinder in which he has denied new factual pleas raised in the written statement.

5. In support of his claim concerned workman has filed his affidavit whereas the opposite party has filed affidavit of Ravi Kunwar Srivastava by which the number of working days of the concerned workman is said to have worked in 1985 has been given. Alongwith this affidavit the rules and attendance register has also been filed. Jagdish Narain Katiyar has also filed affidavit to throw light on the facts of the case.

6. As regards the preliminary objection during the course of arguments employer side has said nothing as to how the opposite party does not fall within the definition of Industry as envisaged by section 2(i) of the Industrial Disputes Act, 1947. Instead having regard to the nature of work being in this Directorate I have no doubt in my mind that it is an Industry as its only object is not to carry on Administration. Hence, this point is decided against the management and in favour of the concerned workman.

7. In a veiled form the management has also tried to submit that Industrial Law does not apply to a casual labour or casual daily rated worker. I do not find substance in this submission. Now it has become a well settled law that even a daily rated casual worker falls within the definition of workman. Hence this objection is overruled.

8. The next question which falls for determination is that the concerned workman had completed for 240 days in a calendar year preceding the date of his termination. His version is that he had worked from 17-4-84 to 21-4-85 continuously. In support of this version the concerned workman has filed his affidavit. In his cross-examination he has stated that he was not given any appointment letter. He has denied that he had worked for 20 days in Jan. 85, for 21-1/2 days in Feb. 85, for 24 days in March and for 17 days in April, 85. Instead he had worked in these months on all working days. Even he had worked on Sundays. He had further stated that one Phool Chand used to mark his attendance on every day. Even on Sundays he used to mark him absent but he did not complain of him. He has also denied that he stopped coming from 17-4-85. Jagdish Narain Katiyar on behalf of the management has corroborated the version of the employer. In his cross-examination he has stated that muster roll of 1984 is not available, hence he cannot say for how many days the workman had worked in the months of 1984. He had denied that the concerned workman remained on duty in the year 1985. It may be mentioned that the concerned workman had got summoned the attendance register and papers relating to payment of wages from the management, but the same were not filed on the pretext that they have been weeded out. In support of this contention rules have been submitted which go to show that papers are to be retained for three years. If it is so I fail to understand as to how attendance sheet of the year 1985 has been filed in this case. Further in this case

conciliation proceedings had started much earlier and there was no point in at least in weeding out the papers relating to the concerned workman. It appears to me that the attendance sheet of the year 1984 has been deliberately withheld as its contents would have gone against the management. Hence drawing adverse inference against the management and believing the concerned workman, it is held that the concerned workman had worked for all number of working days in the year 1984 from the date of his appointment. Thus the number of working days together with the number of days for which the workman had admittedly worked in the year 1985 I have no hesitation in coming to the conclusion that the concerned workman had worked for more than 240 days in a calendar year preceding the date of his termination and he had worked continuously as such provisions of section 25F of Industrial Disputes Act, 1947, were applicable to the concerned workman. Admittedly he has not been paid notice pay and retrenchment compensation, hence his termination/retrenchment on this score is bad in law.

9. There is no reliable and convincing evidence on the point of breach of sec. 25G of the I.D. Act.

10. It is held that as the termination of the concerned workman from service is bad in law, he is entitled for remuneration and also for back wages from the date of reference as there has been delay in making the reference.

11. I award accordingly.

12. Concerned workman shall also get Rs. 200/- from the opposite party as costs of the case.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 4 अगस्त, 1995

का.आ. 2304 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार हैथी बाटर प्लान्ट के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण मद्रास के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 4-8-95 को प्राप्त हुआ था।

[संख्या एल-42012/36/93-आइ आर(झूँपा)]

के.वी.नी. उन्नी, डैस्क अधिकारी

New Delhi, the 4th August, 1995

S.O. 2304.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Madras as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Heavy Water Plant and their workmen, which was received by the Central Government on 4-8-95.

[No. L-42012/36/93-JR (DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU,
MADRAS

Friday, the 21st day of July, 1995

Present :

Thiru N. Subramanian, B.A.,B.L., Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 170/1994

(In the matter of dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Heavy Water Plant, Tuticorin).

BETWEEN

Shri S. Shanmugaswamy,
C/o. President,
H.W.P. Thozhilalar Congress,
H.W.P. Housing Colony,
Tuticorin-7.

AND

The General Manager,
Heavy Water Plant,
Tuticorin.

Reference :

Order No. L-42012/36/93-IR(DU), dated 2/5-8-1994,
Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Thiru T. Ravikumar, Addl. Standing Govt. Counsel, appearing for the Management, upon perusing the reference, and other connected papers on record, and the workman being absent, this Tribunal passed the following :

AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the Management of Heavy Water Plant, Tuticorin, in terminating the services of Shri S. Shanmugaswamy, is proper, legal and justified ? If not, to what relief the workman is entitled to ?"

Petitioner not present. No representation for the petitioner. Petitioner did not appear even after receipt of notice from 17-11-94. Hence I.D. is dismissed for default. No costs.

Dated, this the 21st day of July, 1995.

THIRU N. SUBRAMANIAN, Industrial Tribunal

नई दिल्ली, 4 अगस्त, 1995

का. आ. 2305 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हैवी विहकल्स फैक्ट्री के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुवंश में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार को 4-8-95 को प्राप्त हुआ था।

[संख्या पत्र—14011/4/93 आई आर (छी यू)]
के.वी.वी. उन्नी, डेस्क अधिकारी

New Delhi, the 4th August, 1995

S.O. 2305.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Heavy Vehicles Factory and their workmen, which was received by the Central Government on 4-8-1995.

[No. L-14011/4/93-IR (DU)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU
MADRAS

Friday, the 21st day of July, 1995

PRESENT :

Thiru N. Subramanian, B.A.B.L., Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 192/1994

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Heavy Vehicles Factory

Avadi, Madras-54]

BETWEEN

The workmen represented by
the General Secretary,
H.V.F. National Workers Union,
Avadi, Madras-54.

AND

The General Manager,
Heavy Vehicles Factory,
Avadi, Madras-54.

REFERENCE :

Order No. L-14011/4/93-IR(DU), dated 13-10-94,
Ministry of Labour, Govt. of India, New Delhi,

This dispute coming on this day for final disposal in the presence of Thiru K. Karunakaran, Addl. Standing Government Counsel appearing for the Management, upon perusing the reference and other connected papers on record, and the workmen being absent, this Tribunal passed the following

AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the Management of Heavy Vehicles Factory, in effecting upgradation in respect of 110 fitters, and machinist from 15-10-84 instead of from 16-10-1981 is proper, legal and justified ? If not, to what relief the workmen is entitled ?"

Petitioner not present. No representation for the petitioner. Petitioner did not appear even after receipt of notice from 25-11-94. Hence I.D. is dismissed for default. No costs.

Dated this the 21st day of July, 1995

THIRU N. SUBRAMANIAN, Industrial Tribunal.

नई दिल्ली, 4 अगस्त, 1995

का. आ. 2306 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ बड़ोदा के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुवंश में निर्दिष्ट औद्योगिक विवाद में, औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार को 3-8-95 को प्राप्त हुआ था।

[संख्या पत्र—12012/73/94—आई.आर.बी. (2)]
गज मोहन, डेस्क अधिकारी

New Delhi, the 4th August, 1995

S.O. 2306.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure in the Industrial Disputes between the employers in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on 3-8-95.

[No. L-12012/73/94 IR(B-II)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU
MADRAS

Friday, the 21st day of July, 1995

PRESENT :

Thiru N. Subramanian, B.A., B.L., Industrial Tribunal.
INDUSTRIAL DISPUTE NO. 180/1994

In the matter of the dispute for adjudication under Section 0(1) (d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Bank of Baroda, Madras)

BETWEEN :

The Workmen represented by
the General Secretary,
O.B. Emp. Union,
/o Bank of Baroda, E.C. Street,
ranch, 116, Angappa Naicken St.,
Madras-1.

AND

The Regional Manager, (T.N.),
Bank of Baroda, TK Road,
Jlwarpet, Madras-18.

REFERENCE :

Order No. L-12012/73/94-IR(B-II), dated 20-9-94, Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Tvl. K.S.V. Prasad and T. G. Gowrishankar, Advocates appearing for the Management, upon perusing the reference and other connected papers on record, and the workman being absent, this Tribunal passed the following

AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the Management of Bank of Baroda, Madras in not appointing Shri S. Gnana Sekharan as cash collector in Pondicherry branch is justified? If not, what relief is the said workman entitled to?"

Petitioner not present. No representation for the petitioner. Petitioner did not appear even after receipt of notice from 11-1994. Hence I. D. is dismissed for default. No costs.

Dated, this the 21st day of July, 1995.

THIRU N. SUBRAMANIAN, Industrial Tribunal

नई दिल्ली, 4 अगस्त, 1995

का.आ. 2307.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार वेता बैंक के प्रबन्धतात्व के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, गुवाहाटी के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-8-95 को प्राप्त हुआ था।

[संख्या एल-12012/241/93/आई.आर.बी.-2]

अर्ज मोहन, डैस्क अधिकारी

New Delhi, the 4th August, 1995

S.O. 2307.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Guwahati as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Dena Bank and their workmen, which was received by the Central Government on 3-8-95.

[No. L-12012/241/93 IR(B-II)]
BRAJ MOHAN, Desk Officer

ANNEXURE**IN THE INDUSTRIAL TRIBUNAL, GUWAHATI,
ASSAM****REFERENCE NO. 2(C) OF 1994****PRESENT :**

Shri J. C. Kalita B.A. (Hons.) LL.B., Presiding Officer, Industrial Tribunal, Guwahati.

In the matter of an Industrial Dispute between :
The Management of Dena Bank,

Versus

Their workman represented by Secy. Dena Bank Employees Union, Panbazar.

AWARD

The Govt. of India, Ministry of Labour, New Delhi by a notification No. L-12012/241/93 IR (B-II) dt. 24-2-94 referred an Industrial Dispute between the Management of Dena Bank, Guwahati and its workman Sri Arvind Gandhi for adjudication with copies to the respective parties. On receipt of the reference a case was registered and notices were sent to the parties to appear before this Tribunal and to file the written statements. Both parties appeared before this Tribunal and filed their written statement with few documents. The issue reads as follows :

"Whether the action of the management of Dena Bank, Guwahati in dismissing Sri Arvind Gandhi, Cashier-cum-clerk from service with effect from 30-7-1988 is justified? If not, what relief, is the workman entitled to?"

The workman Sri Arvind Gandhi was a Cashier-cum-Clerk in Guwahati Branch of Dena Bank, while discharging the duties as such he was placed under suspension by an order No. CRM/PER/32-K/2149/87 of dated 16-2-87 on the following charges :

(i) Misappropriation of Bank funds amounting to Rs. 170.00 and Rs. 1,28,000.00 respectively on 5-2-87 and 14-2-87.

"(ii) Doing an Act prejudicial to the interest of the Bank involving or likely to involve the Bank in financial loss."

Against the above charges domestic Enquiry was held in which the charge of Misappropriation was found not proved though his doing an Act prejudicial to the interest of the Bank involving or likely to involve the Bank in financial loss found to be proved. But the disciplinary authority on considering the pros and cons of the report rejected the findings of the enquiry officer and decided to go for personal hearing of the proceeding directing him to be present with his counsel. The disciplinary authority heard it came to the conclusion that the charges were proved against Mr. Gandhi and was punished by was of dismissal from service. The workman preferred appeal against this order but found no relief. Then the union raised a dispute before the Labour Commissioner but no settlement was arrived at. Ultimately the Govt. referred the dispute to this Tribunal. The Union challenged the action of the disciplinary authority as illegal and untenable in the eye of law stating it to be excessive and out of proportion.

The management denied the contention of the Union and claimed that the disciplinary authority has power to reject the findings of the Enquiry officer if finding is not based on the evidence on record.

The disciplinary authority gave a personal hearing to the workman after its decision not to accept the findings of the Enquiry Officer. On personal hearing of the workman the disciplinary authority found the charges levelled against him proved and finally dismissed him from service. Hence the workman is not entitled to get any relief.

It is a fact that the Domestic Enquiry found the workman not guilty against the charge of Misappropriation of Bank's money. The charge was that he as a cashier misappropriated a sum of Rs. 170.00 on 5-2-87 and a sum of Rs. 1,28,000.00

on 14-2-87. According to the Enquiry Officer the shortages were properly and satisfactorily explained by the workman. But the disciplinary authority on perusal of the report rejected the findings on the charge of misappropriation.

The Enquiry Officer found the other charge proved against the workman. The disciplinary authority has right either to accept the findings or to reject the findings. In this connection the following decision were taken into consideration. 1993 LLJMP 525; AIR 1991 SC, 471; Anil Kumar Vs. Presiding Officer and others; [1 LLJ (SC) 101]. Legal decision affecting Bank employees T Basudeva Rao Vs. General Manager Punjab National Bank. In all these cases the disagreement on the findings of the Enquiry officer by the disciplinary authority were discussed. It has been held that the disciplinary authority has power to disagree with the findings of the Enquiry officer. But the disciplinary authority in doing so is to record his reasons of disagreement and to inform his decision to the delinquent employee. Herein this the disciplinary authority intimated the delinquent employee that he would hold a personal hearing and directed him to be present with his representative. The delinquent employee appeared before him, submitted written objection and participated in the hearing. I find that nothing illegality is caused to him by proceeding to hold a personal hearing.

Management examined Sri Pradip Kr. Majumder the disciplinary authority who deposed that he sent his decision together with the findings of the Enquiry officer to the delinquent employee as to holding a personal hearing. Ext. 6 is the report Ext. 7 is the finding of the Enquiry Officer and Ext. 8 is the written objection filed by the delinquent employee before him. All these go to show that he was given reasonable opportunity to defend himself in the hearing and infact be defended himself. So there was no denial of principle of Natural justice.

What I find from the evidence on record is that the shortage of Rs. 170.00 was made good by the party itself on the very day as explained by the delinquent employee, but in fact it was not so. According to the Inspector the delinquent employee went out for some time and came back to cash counter with money in his possession and made good the shortages. It is the solemn duty of the Cashier to prepare the balance sheet after the closure of days work. Whether the party has made good the shortage or the shortage were met by the cashier by bringing money from out side has little bearing as no financial loss was caused to the Bank. What it suggests is that his (workman) conduct was not above suspicion as to negligence in performing duties or break any rule of business of the Bank.

As regards shortage of Rs. 1,28,000.00 on 14-2-87 it is on record that the shortage was due to payment of the said amount to M/s. Swiss watch corporation. Evidence shows that the Swiss Watch Corporation presented a cheque for Rs. 1,28,000.00 on 14-2-87 payment of which was directly made by the delinquent employee without entering the cheque in the ledger. His explanation was that the firm was in a hurry. So he made the payment without observing the procedural formalities. The Swiss Watch corporation admitted that they received the amount of Rs. 1,28,000.00 on 14-2-87. It is the duty of the Bank to make payment as soon as the cheque is presented before the cash counter after observing the formalities. This shows that there is breach of rule of business of the Bank and his conduct amounted to the negligence in his duties. On the other hand it can be said that the delinquent employee honoured the urgency of a valued customer having of sound financial position. Under such circumstances his action cannot be said to be an Act prejudicial to the interest of the Bank, but can be rightly said to be negligent in performing his duties.

Now I am convinced from the evidence on record that there was no misappropriation of Bank's money by the delinquent employee, nor his action caused any financial loss to the Bank. The disciplinary authority has erred in holding that the charge of misappropriation has been found proved against the delinquent employee. There is no evidence to show that the delinquent employee converted the money

found shortages on 5-2-87 and 14-2-87 to his own use. The shortage of Rs. 170.00 was met on the very day at the time of closing the balance and the shortage of Rs. 1,28,000.00 was duly received by M/s. Swiss watch corporation 14-2-87 itself. So he cannot be punished for the charge of misappropriation.

The Management filed the booklet titled "settlement on the Industrial Dispute between Certain Banking Companies and her workman" Clause 19.5 provides "Gross misconduct" and Clause 19.7 provides "minor misconduct". Misappropriation is turned as "Gross misconduct". Doing an Act prejudicial to the interest of the Bank or gross negligence or negligence involving Bank in serious loss; is also turned as gross misconduct. Whereas neglect of work or negligence in performing duties and breach of any rule of business of the Bank as minor misconduct. Doing an Act prejudicial to the interest of the Bank relates to loss of the Bank. As no financial loss is caused to the Bank, his Act in violation of the established procedure can not be considered to be an Act prejudicial to the interest of the Bank. What can be conclusively drawn from the evidences on record is that his negligence in performing assigned duties as Cashier can be rightly turned as minor misconduct in respect of both the courts by breaking the rule of business of the Bank. So his Act comes under "minor misconduct" as defined in clause 19.7 and not under "Gross misconduct" as defined in clause 19.5. Clause 19.8 lays down the nature of punishment to be awarded to a delinquent employee if found guilty of minor misconduct.

It is an accepted principle of law that the penalty imposed should commensurate with the magnitude of the fault. When different categories of punishment can be imposed in respect of an alleged fault, one of which is dismissal from service, the disciplinary authority is required to consult himself for selecting the most appropriate penalty from out of the range of penalties available that can be imposed having regard to the nature, content, and gravity of the fault. It would have been in the minds of the disciplinary authority that no misappropriation of Banks money is proved and no financial loss is caused to the Bank by the act of the delinquent employee in imposing penalty if lesser penalty could meet the ends of justice without jeopardising the interest of the management the disciplinary authority should not impose the maximum penalty of dismissal from service. In my opinion, the disciplinary authority while considering the nature of penalty to be imposed did not consider the realities of the facts explained by the delinquent employee at the time of hearing. It is a fact that the workman did not take reasonable care in performing his duties, but this does not mean that his Act was prejudicial to the interest of the Bank or it destroyed its reputation in the eye of the public. I find the penalty imposed disproportionate and unjustified to the misconduct proved. As a result the order of dismissal is hereby set aside and the management is hereby directed to reinstate the workman Sri Arvind Gandhi with full back wages in the employment of the Bank with continuity of his service opting to punish him for minor misconduct as laid down in clause 19.8 by means of stoppage of increment for a period of six months.

I give this Award on this 13th July, 1995 at Guwahati under my hand and seal.

SHRI J. C. KALITA, Presiding Officer

नई दिल्ली, 4 अगस्त, 1995

का.आ. 2308.—श्रीशोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एसोसिएटेड मार्टिनिंग कम्पनी (गिरोला) के प्रबंधसंघ से संबद्ध नियोजकों श्रोतर उनके कर्मकारों के बीच, प्रबंध में निर्विष्ट श्रीशोगिक विवाद में केन्द्रीय सरकार श्रीशोगिक अधिकरण, जबलपुर (एम.पी.) के पंचाट को प्रकाशित करसी है, जो केन्द्रीय सरकार को 3-8-95 को प्राप्त हुआ था।

[सं. एल-29011/17/92-आईआर(विविध)]

बि. एम. डेविड, डैस्ट्रक्ट अधिकारी

में केन्द्रीय सरकार श्रौद्धोगिक अधिकारण जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2 अगस्त, 1995 को प्राप्त हुआ था।

[संख्या एल-40012/249/91-प्राइवेट (डीयू)]
के. बी. बी. उन्नी, डैस्क अधिकारी

New Delhi, the 4th August, 1995

S.O. 2310.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom, and their workmen, which was received by the Central Government on 2nd August, 1995.

[No. L-40012/249/91-IR(DU)]
K. V. B. UNNY, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)
Case Ref. No. CGIT/LC(R)(193)/1992

BETWEEN

Shri K. W. Kalbhande, C/o Miss Sulekha Kumbhare,
Haridas Nagar, Kamptec, Nagpur (MS).

AND

The Sub-Divisional Officer (T), Wardha, Tehsil & District Wardha (MS).

PRESIDED IN : By Shri Arvind Kumar Awasthy.

APPEARANCES :

For Workman—Miss Sulekha Kumbhare.

For Management—None.

INDUSTRY : Telephones. DISTRICT : Wardha (MS).

AWARD

Dated, 20th July, 1995

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-40012/249/91-IR(DU) dated 2nd September, 1992, for adjudication of the following industrial dispute :

SCHEDULE

"Whether the action of the management of SDO (T), Wardha in terminating the services of Shri Krishna Wamanrao Kalbande w.e.f. 1st May, 1987 is justified? If not, what relief he is entitled to?"

2. The workman has not filed the statement of claim. Management has alleged that the appointment to the workman is given vide letter dated 23rd July, 1994 and the workman has joined the service. The workman is not appearing and is not interested in pursuing the case. It appears that on account of the aforesaid circumstances, the workman is not interested in contesting the dispute. No dispute award is, therefore, passed. Parties to bear their own costs.

ARVIND KUMAR AWASTHY. Presiding Officer

नई दिल्ली, 4 अगस्त, 1995

का. प्रा. 2311.—श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्मरण में, केन्द्रीय सरकार द्वाका विभाग के पर्वथनन्त्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अन्वंश में निर्दिष्ट श्रौद्धोगिक विवाद में केन्द्रीय

सरकार श्रौद्धोगिक अधिकारण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4 अगस्त, 1995 को प्राप्त हुआ था।

[सं. एल-40012/45/87-डी-2(बी)]
के. बी. बी. उन्नी, डैस्क अधिकारी

New Delhi, the 4th August, 1995

S.O. 2311.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Post and their workmen, which was received by the Central Government on 4th August, 1995.

[No. L-40012/45/87-D.2(B)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, DEOKU PALACE ROAD, KANPUR

Industrial Dispute No. 107 of 1988

In the matter of dispute between—

Kamlesh Kumar Dixit,
47/8, Safed Colony,
Kanpur.

AND

Post Master General,
Uttar Pradesh Circle, Kanpur.

AWARD

1. Central Government, Ministry of Labour, vide its notification No. L-40012/45/87-D-2(B) dated 28th July, 1988, has referred the following dispute for adjudication to this Tribunal—

Kya Post Master General, Uttar Pradesh Circle, Kanpur Ke Prabandhanra ki Sri Kamlesh Kumar Dixit Packer ki sewayen 29th November, 1983 se samapt karne ki karyawai nyayochit hai? Yadi Nahi to sambandhit karmkar kis anutosh ka haqdar hai?

2. It is admitted case of the parties that the concerned workman was appointed as Packer on 29th November, 1983, in the office of Additional Post Master General U.P. Circle Head Office, Kanpur. He worked upto 28th November, 1983 for 223 days. His services were terminated on 29th November, 1983.

3. The case of the concerned workman is that he was appointed on a regular post to do regular nature of work. As such his services could not be dispensed with. Further juniors to him were retained in the service. Lastly, when new hands were recruited he was not given opportunity. In this way in all there has been breach of section(s) 25F, 25G and 25H of the Industrial Disputes Act, 1947.

4. The opposite party has filed objection alleging that his appointment was provisional in stop gap arrangement in place of a regular employee. The other allegations have also been denied.

5. It is the admitted case of the parties that the concerned workman had worked for 223 days. Obviously in such a case provisions of Sec. 25F I.D. Act, will not be applicable as this provision applies in those cases where a workman had completed for more than 240 days in a calendar year.

6. As regard breach of section 25G of the Act, I have gone through the statement of the concerned workman as well as his affidavit. The details of names of the persons which have been retained in service have not been given. In its absence I am unable to accept the claim of the concerned workman that junior to him have been retained in service.

7. As regards last point there is affidavit of the concerned workman that after his termination Naresh Shukla and Arvind Katiyar have been selected, but he was not given opportunity. It was rebutted by the affidavit of M. P. Bhargava Dy. Chief Post Master, but his affidavit cannot be read in evidence as he was not submitted for cross-examination. Still if am not inclined to accept the version of the concerned workman as these names were not given in the written statement. Thus in other words the evidence of the concerned workman is contrary to the pleadings. In view of this his version is not acceptable.

8. Accordingly it is held that there has been no breach of Sec. 25H as well.

9. Thus all the pleas on which the termination of services was challenged have been repelled. Consequently the concerned workman is not entitled to any relief.

10. In the end my answer to first part of the reference is in the affirmative and the concerned workman is entitled to no relief.

11. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

श्रादेष्ण

नई दिल्ली, 4 अगस्त, 1995

का. आ. 2312.—जबकि भारतीय स्टेट बैंक, नेल्लोर के प्रबंधन में संदर्भित नियोक्ताओं और श्री वाई. राजमस्तार के मध्य एक श्रीदीगिक विवाद विद्यमान है।

और जबकि उक्त नियोक्ताओं और उनके कर्मकारों ने श्रीदीगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (1) के तहत उक्त विवाद की विवाचन के लिए संदर्भित करने के लिए लिखित रूप में सहमत हो गए हैं और उक्त विवाचन करार की एक प्रति केन्द्रीय सरकार को संदर्भित कर दिया है:

अतः श्रव, उक्त अधिनियम की धारा 10-क की उपधारा (3) के अनुसरण में केन्द्रीय सरकार उक्त विवाद को एतद्वारा प्रकाशित करती है।

करार

(श्रीदीगिक विवाद अधिनियम, 1947 की धारा 10-क के अधीन)

के बीच

पक्षकारों के नाम

1. नियोक्ता प्रतिनिधि

भारतीय स्टेट बैंक, नेल्लोर	श्री एम बी एस सूरी बान्ना,
टाउन ब्रांच, नेल्लोर	मुख्य प्रबंधक,
	भारतीय स्टेट बैंक,
	नेल्लोर टाउन,
	नेल्लोर।

2. कर्मकार प्रतिनिधि :

व्यक्तिगत कर्मकार	श्री वाई. राजमस्तार,
	पूर्व-श्रम्थार्थी सब-स्ट्रॉफ,
	भारतीय स्टेट बैंक,
	नेल्लोर।

निम्ननिवित श्रीदीगिक विवाद को श्री ए. प्रभाकर, अग्निलिखित के विवाचन के लिए ज्ञातीय श्रम आयक्त (के.) संदर्भित करने को एतद्वारा हैदरबाद द्वारा सहमति व्यक्त की जाती है:—

(i) विवाद में विशिष्ट मामला : “क्या श्री वाई. राज-मन्नार पूर्व-श्रम्थार्थी सब-स्ट्रॉफ की सेवाओं को प्रत्येक वर्ष सेवा में कृतिम व्यवधान के रूप में 2 से 3 माह के लिए समाप्त किए जाने और वर्ष 1986 और 1989 में उनके सह-कर्मियों के साथ उनकी सेवाओं को नियमित न किए जाने में भारतीय स्टेट बैंक के प्रबंधन की कार्रवाई बैध और उचित है। यदि नहीं तो कर्मकार किस तरह की राहत का हकदार है?

(ii) विवाद के पक्षकारों का :
विवरण और अंतर्गत
प्रतिष्ठान अथवा उपक्रम
का नाम और पता

(iii) यूनियन का नाम यदि कोई : शून्य
हो, जो प्रश्नगत कर्मकार का
प्रतिनिधित्व कर रही हो

(iv) उपक्रम में नियोजित : एक
‘प्रभावित’ कर्मकारों की
कुल संख्या

(v) विवाद में प्रभावित अथवा : शून्य
प्रभावित होने वाले कर्मकारों
की अनुमानित संख्या

हम आगे यह सहमति व्यक्त करते हैं कि विवाचन के बहुमत का निर्णय हम पर बाध्यकारी होगा। और यदि विवाचन अपने विचार में समाप्त रूप में विभाजित होगा तो इस्पायर के रूप में वे किसी अन्य व्यक्ति को मुकर्रर करेंगे, वह पंचाट हम पर बाध्यकारी होगा।

विवाचन अपना पंचाट इस अधिसूचना के जारी होने की तिथि में तीन माह के भीतर अथवा हमारे बीच लिखित रूप में करार किए जाने के माध्यम से बढ़ायी गई समयावधि के भीतर देगा। यदि उपरोक्त अवधि के भीतर पंचाट नहीं दिया जाता, विवाचन का संवर्भ स्वयंसेव निरस्त हो जाएगा और हम नए विवाचन के लिए वार्ता शुरू करने के लिए रवतंत होंगे।

प्रकारों के हस्ताक्षर		
प्रबंधन के प्रतिनिधि	कर्मकार का प्रतिनिधि	
₹०/-	₹०/-	
(एमबीएस सूरी बाबू)	(बाई. राजमन्नर)	
मुख्य प्रबंधक	पुर्व-प्रम्भाली सब मॉर्टफ,	
भारतीय स्टेट बैंक	भारतीय स्टेट बैंक,	
नेल्लोर, टाउन ब्रांच,	नेल्लोर	
नेल्लोर		
साक्षी :		
(के सुधाकर राव) दू. डी. सी.		
(पी. फ़ासिस) एल. डी. सी.		
विवाचन को महमति		

ध०/-
विवाचक

[सं. एल-12012/166/95-आईआरबीआई]
के. बी. बी. उमी, डैस्क अधिकारी

ORDER

New Delhi, the 4th August, 1995

S.O. 2412.—Whereas an industrial dispute exists between the employers in relation to the management of State Bank of India, Nellore and Sh. Y. Rajamannar.

And whereas the said employers and their workmen have by written agreement under Sub-section (1) of section 10-A of the Industrial Disputes Act, 1947 (14 of 1947) agreed to refer the said dispute to arbitration and have forwarded to the Central Government a copy of the said arbitration agreement;

Now, therefore in pursuance of Sub-Section (3) of Section 10-A of the said Act, the Central Government hereby publishes the said agreement.

AGREEMENT (Under Section 10-A of the Industrial Disputes Act, 1947) BETWEEN

Names of the parties

1. Representing Employer:

State Bank of India,
Nellore, Town Branch,
Nellore.

Sh MVS Suri Babu,
Chief Manager,
State Bank of India,
Nellore Town, Nellore.

2. Representing Workman

Individual Workman

Sh. Y. Rajamannar,
Ex-Temporary sub-staff,
State Bank of India,
Nellore.

is hereby agreed by the parties to refer the following
Industrial Dispute to the Arbitration of

(1) Specific matter in the dispute

Sh. A. Prabhakar,
Regional Labour Commissioner (C)
Hyderabad.

“Whether the action of the management of State Bank of India, Nellore Town Branch, Nellore in terminating the services of Sh. Y. Rajamannar Ex-Temporary Sub-Staff for a period of 2 to 3 months, every year as artificial break in service and denial to regularise his services alongwith his co-workers in the year 1986 & 1989 is legal and justified. If not what relief the workman entitled to ?

- | | |
|---|---|
| (ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved; | The Chief Manager,
State Bank of India
Nellore Town Branch,
Nellore. |
| (iii) Name of Union, if any, representing the workman in question; | NIL |
| (iv) Total number of workman employed in the undertaking affected; | ONE |
| (v) Estimated number of workman affected or likely to be effected by the dispute | NIL |

We further agree that the majority decisions of the Arbitration shall be binding on us/in case the arbitration are equally divided in their opinion, they shall appoint another person as empire those award shall be binding on us.

The arbitration(s) shall make his award within a period of three months from the date of notification as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Signature of the Parties

Representing Management

Representing Workman

Sd

(M.V.S. Suri Babu)
Chief Manager,
State Bank of India,
Nellore Town Branch, Nellore

Sd/

(Y. Rajamannar)
Ex-Temporary Sub-Staff
State Bank of India
Nellore.

Witness:

(K. Subhakara Rao) UDC

(P. Francis) LDC

CONSENT OF THE ARBITRATOR

Reference is invited to the letter No. 7/30/95-B1 dt 3-7-95 from RLC(C) Hyderabad wherein, the RLC(C) has reported that the management of State Bank of India, Nellore have agreed to refer the above dispute for his arbitration.

"I hereby give my consent to be an arbitrator in the above dispute"

Sd/
ARBITRATOR
[No. L-12012/166/95-IRB]
K.V.B. UNNY, Desk Officer

नई दिल्ली, 7 अगस्त, 1995

का. प्रा. 2313 :—प्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मध्यास पोर्ट ट्रस्ट के प्रबलंशतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनबंध में निविष्ट प्रौद्योगिक

विद्याव में ग्रीष्मोगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-95 को प्राप्त हमा था।

[मंस्ता एम-33012/6/94-प्राई ग्राह (विविध)]
बी.पम. डेविल, डैस्क प्रधिकारी

New Delhi, the 7th August, 1995

S.O. 2313.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Madras Port Trust and their workmen, which was received by the Central Government on the 4-8-95.

[No. L-33012/6/94-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS

Friday, the 21st day of July, 1995

Present :

Thiru N. Subramanian, B.A.,B.L., Industrial Tribunal,
INDUSTRIAL DISPUTE NO. 209/1994

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Madras Port Trust, Madras).

BETWEEN

The workman represented by
The General Secretary,
The Madras Port United Labour Union,
7, Phillips Street,
Madras-600 001.

AND

The Chairman,
Madras Port Trust,
Rajaji Salai, Madras-1.

Reference :

Order No. L-33012/6/94-IR(Misc). dt. 13-12-94. Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on this day for final disposal, in the presence of Tvl. R. Arumugam, and B. Haribabu, Advocates appearing for the Management, upon perusing the reference, and other connected papers on record, and the workmen being absent, this Tribunal passed the following

AWARD

This reference has been made for the adjudication of the following issue :

"Whether the action of the Management of Madras Port Trust, in imposing the punishment of withholding of increment on Shri A. Arumugam, is justified ? If not to what relief, the workman is entitled ?"

Petitioner not present. No representation for the petitioner Petitioner did not appear even after receipt of notice from 20-1-95. Hence I. D. is dismissed for default. No costs.

Dated, this the 21st day of July, 1995.

TRIRU N. SUBRAMANIAN, Industrial Tribunal

नई दिल्ली, 8 अगस्त 1995

का.प्रा. 2314:—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अन्वेषण में निर्दिष्ट श्रीयोगिक विवाद में, केन्द्रीय सरकार श्रीयोगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-8-95 को प्राप्त हुआ था।

[संख्या एल-12012/326/89/डी-II-5/श्री.आर.बी.-2]

ब्रज मोहन, ईस्क अधिकारी

New Delhi, the 8th August, 1995

S.O. 2314.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workmen, which was received by the Central Government on 7-8-95.

[No. L-12012/326/89 D.II.AIR(B-II)]

BRIJ MOHAN, Desk Officer

ANNEXURE

BEFORE SIRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 11|90

In the matter of dispute between :

Smt. Anjana Gupta w/o Shri Bharat Bhushan,
Lecturer Political Science,
Government P. G. College, Nageshwar,
Zila Almorah-263 601.

Versus

Assistant General Manager,
Allahabad Bank, E-23,
Shastri Nagar,
Meerut-250 001.

Appearances :

Shri R. C. Khanna with the workman.

Shri M. K. Verma for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/326/89-D-2(A) dated nil has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Allahabad Bank in treating Smt. Anjana Gupta, Clerk-cum-Cashier, Muzaffar Nagar letter dated 18-1-85 as resignation letter and accepting the same by the Chief Manager, Muzaffar Nagar Branch acting as appointing and disciplinary authority is justified ? If not, to what relief is she entitled ?"

2. The workman in this case in her statement of claim has alleged that she joined the service of Allahabad Bank after selection by Banking Service Recruitment Board on 15th March, 82 at Muzaffar Nagar Branch. She took leave on medical grounds as also for proper care of her newly born baby from :

- (1) 2-7-1989 to 14-8-1984
- (2) 15-8-84 to 4-9-1984
- (3) 11-10-1984 to 24-12-1984
- (4) 25-12-1984 to 7-1-1985".

3. On 8-1-85 she reported for duty producing medical certificate of fitness but to her utter surprise she was allowed to resume duty only on a compelled written undertaking added to her joining report to the effect that she would not take such type of long leave and if she took such leave management would be at liberty to take any action. She had been applying for transfer to Saharanpur on compensation grounds under applications dated 20-10-82, 20-3-83, 22-12-83 but the request could not be considered for over two years. On 18-1-85 she again submitted an application under precise details of her difficulties/grounds of transfer as well as against the attitude of the Chief Manager. Copy of application/reminder dated 22-12-83 happened to come in the hands of Chief Manager Shri S. N. Roy Muzaffarnagar who in the meantime, as the petitioner had since come to know, had become interested in the transfer of other lady clerk-cum-cashier to Saharanpur. He side tracked the applicant's application and did not forward the same to the regional

manager and on the other hand he verbally recommended the transfer of Smt. Santosh Gupta to Saharanpur. The Regional Manager Shri S. N. Mishra did not consider transfer of Santosh Gupta since she had already been allowed compassionate transfer from Moradabad to Muzaffarnagar on her request that too within probation period. Under these circumstances the application of the petitioner was sent for transfer to Deputy General Manager on 4th September, 1984 and thereafter on 8th January, 85 which compelled the petitioner to add additional sentence in that letter. The application dated 18-1-85 was given under pressing grounds for her request for transfer to Saharanpur in the letter dated 18-1-85. She had alleged that she would resign in case her request was not acceded to. This was only offer of resignation and not a resignation though it was treated as a resignation by the management and her services were terminated allegedly saying that her resignation has been accepted. The letter which she had sent was a request for transfer and if the same was not accepted the application may be treated as compelled resignation from the service. All this was wrongly taken as a resignation though it was only a request for transfer and the order of acceptance and the same was wrong and mala fide based on prejudice against her.

4. The Management in its written statement alleged that the workman had herself voluntarily given her resignation and the letter dated 18-1-85 was simple resignation and the same was duly accepted by the Management. Other facts regarding her posting and sending of request for transfer was not disputed by the management. It was, however, stated that she remained in the employment of the bank from 15-3-82 to 18-2-85 i.e., for less than three years. In such a span of service, she admittedly did not attend the duty for 394 days. Her husband was in the employment of District Almora and her in-laws were at Saharanpur. She was thus not in a position to take care of her child and on this compelling reason she decided to resign from the bank. The resignation was accepted by the Competent Authority and there was no bias against her in the mind of the Chief Manager. She was thus accordingly relieved of her duties as her resignation was duly accepted.

5. The management in support of its evidence examined Sachidanand Roy MWI while the workman herself appeared as WWI.

6. I have heard representatives for the parties and have gone through the record.

7. The management representative has categorically urged that the only point involved in this case was whether letter dated 18-1-85 amounts to resignation from service or not and whether the same was accepted by the Competent Authority. In case the letter was treated as resignation then there was no question of her acceptance of the claim and the legality of the accepting authority should, however, be still examined. He has further urged that letter dated 18-1-85 has the following words written therein.

"3. That on the one hand it told upon the proper development of the child on the other caused mental strain to me and told upon my own health.

10. In case my request is not acceded to, this application may be treated as a compelled resignation from service as well as a notice required under the terms of appointment (for 10 days) with effect from the date of this application and I may be relieved of my job and duties on the expiry of the notice period."

8. The representative has thus urged that this part of the letter is a clear cut resignation from service and she has clearly stated that this may be treated as compelled resignation as well as notice required under the terms of appointment w.e.f. the date of this application. The earlier part of this letter without details with the facts regarding her personal problems in coming over to the present place of posting and also as a request to accommodate her transfer to Saharanpur on the grounds stated by her in her previous letter. But para 10 of this letter states that in case her request for transfer is not acceded to this may be treated as compelled resignation from service and it also clearly mentioned that it may be treated as a notice also as required in the terms of appointment. It was on this letter that the management chose to accept the same and the same was accepted and communicated to her on 5-2-85 to the Chief Manager of Muzaffarnagar branch. She did not pro-

test against the acceptance of her resignation at the time of her being relieved on 18-2-85 nor earlier on 5-2-85 when she was communicated the acceptance and the fact that she was relieved from service w.e.f. 18-2-85. If the same was not intended to be a resignation she should have straight forward objected to this on the date it was accepted and communicated to her and even on the day she was relieved she did not make any objection to this. She had thus submitted the resignation which was accepted validly by the management and she was relieved according to rules.

9. The representative for the workman on the other hand has urged that the letter dated 18-1-85 was not disputed but the same was not a resignation. It was a request for transfer and for redress of a legitimate difficulty the petitioner was facing. In that letter, however, she had stated that in case her request was not acceded to, it may be treated as compelled resignation. It was incumbent upon the Chief Manager Allahabad Bank, Muzaffarnagar to give a suitable reply to the petitioner but instead of redressing her grievances or giving her any sort of reply, he quietly accepted the request for transfer as resignation and relieved her in excess of his jurisdictions and powers. The letter according to law was to be read as a whole and the meaning of the last sentence should have been appreciated in the context of the whole letter. The alleged letter of resignation dated 18-1-85 starts with the request that despite a lapse of two years and three months her transfer was not made. She further stated that on 1-3-1984 a male child was born and since thereafter it had not been possible for her to live at Muzaffarnagar as there was no member of the family able to reside with her to take care of the child. It was under these circumstances that she had to remind the management of her request and the last line pertaining to resignation were written only to impress upon the management the urgency of the matter.

10. The representative for the workman has further urged that the Chief Manager Management acted beyond jurisdiction and treated the representation wrongly as resignation and instead of submitting the same to the Higher Authorities for obtaining necessary orders of the competent authority he accepted and relieved the workman. The Chief Manager was not competent as he was not appointing authority of the workman to accept the said resignation. He has referred to the following cases regarding the legality of unconditional resignation and their acceptance by the authorities.

11. The representative has further urged and has referred to other cases in which the resignations were accepted by the authority other than the appointing authority. In case of Manju Gupta Vs. Haryana Agriculture University 1991 Lab. IC 350 it was held that the resignation should only be accepted by the Appointing Authority. It was further finally urged that the management has failed to prove the acceptance of resignation and had wrongly interpreted the request of transfer as resignation in this case and the workman deserves to be reinstated with full back wages.

12. On careful perusal of the points urged before me by the representative for the parties I am of the opinion that letter dated 18-1-85 was a resignation and not a request for transfer.

13. Now, let me examine the circumstances under which she had to submit her letter dated 18-1-1985. There is no controversy that within a year of her joining service in the Bank, she was married on 19-1-83 and a baby was born to her out of the said wed-lock on 1-3-1984. It is also not disputed that her husband was posted as Lecturer and was residing at Bageshwar, District Almora, and her in-laws were residing at Saharanpur. Thus, it is evidently clear that so long she was not married, she faced no difficulty in continuing at Muzaffarnagar, but the moment she was married and a baby was born to her. The domestic circumstances did not permit her to continue any longer at Muzaffarnagar Branch. It is under these compelling circumstances that she had to make representation after representation for her transfer to Saharanpur and finally she had to submit to the management that in case her request for transfer to Saharanpur was not acceded to, her letter dated 18-1-85 might be treated as her compelled resignation from service and she might be relieved accordingly after expiry of notice period of 30 days.

14. From the undisputed facts on record, there remains no doubt that the workman was compelled by her own circumstances and the word "compelled"— mentioned in last paragraph of her letter dated 18-1-1985 is indicative of her own compelling circumstances, as naturally she had no option but to relinquish the job if not transferred to Saharanpur.

15. Had her intention not been to resign, she had ample opportunity to agitate against the decision of the management when on 5-2-85 she was informed in writing by the management that her resignation dated 18-1-85 had been accepted and she would be relieved on 18-2-85. Neither she agitated on 5-2-85 nor on 18-2-85, when she was being relieved from service, which leads to the only conclusion that her letter dated 18-1-85 was a letter intended to resign, of course, on account of her own compelling circumstances and the management committed no error of law in treating the same as her resignation from the service of the Bank.

Now let me examine the second point at issue involved.

Allahabad Bank (Officers') Service Regulations, 1979 duly amended upto 31st December, 1987 has been brought to my notice by the management. I have perused Chapter II thereof which provides grades and categorisation of posts. Regulation 4(1) thereof read as under :

4(1) There shall be following four grades for Officers with the scale of pay specified against each of the Grades :—

- (a) Top Executive Grade :
Scale VII Rs. 4100-125-4600
Scale VI Rs. 3850-125-4350
- (b) Senior Management Grade :
Scale V Rs. 3575-110-3685-115-3800
Scale IV Rs. 2925-105-3450
- (c) Middle Management Grade :
Scale III Rs. 2650-100-3250
Scale II Rs. 1825-100-2925
- (d) Joint Management Grade :
Scale I Rs. 1175-60-1475-70-1895-EB-95-2275-100-2675.

And Regulation 7 thereof read as under :

7. Subject to the provisions of the regulation 6, the various posts of officers in the Bank on the appointed date, i.e. 1st July, 1979 shall be categorised as specified in the Table below :—

TABLE

Posts	Grade in which placed
General Managers	Top Executive Grade. Scale VII
Deputy General Managers	Top Executive Grade. Scale VI
Assistant General Managers	Senior Management Grade Scale V
Regional Managers/ Chief Managers/ Functional Heads at Head/Central Office	Senior Management Grade Scale IV
Area Managers/Grade I	Middle Management Grade Scale III
Grade II	Middle Management Grade Scale II
Grade III	Junior Management Grade Scale I

Regulation 6 thereof read as under :

6(1) Having regard to the responsibilities and functions exercisable, every post of an officer in the Bank shall be categorised by the Board or any authority specified by the Board in this behalf as failing in any one of the grades or scales mentioned in regulation 4 and such categorisation may be reviewed by the Board or such authority.

Provided that the categorisation of the posts in existence on the appointed date shall be done before the expiry of two years from that date in accordance with guidelines of the Government, if any, and shall in respect of the posts in the senior management and top executive grades be done by a committee of the Managing Director and such other persons as may be appointed by the Government for the purpose.

6(2) For the purpose of categorisation of posts under sub-regulation (1), every branch of the Bank shall be classified by the Bank, in accordance with the criteria to be approved by the Government, as Small, Medium, Large, Very Large or Exceptionally Large Category.

From the provisions of the Allahabad Bank (Officers') Service Regulations, 1979 aforesaid it is revealed that both Regional Manager and Chief Manager are Scale IV Officers enjoying same scale, status, rank and power in their respective area of operation.

It is not disputed that when Smt. Anjana Gupta, the workman, joined the service of the Bank, the Muzaffarnagar branch was under the administrative control of the Regional Manager, i.e., Scale IV Officer. It is also not disputed that subsequently the said branch was upgraded and came under the independent charge of the Chief Manager, i.e. Scale IV Officer. It is also not disputed that at the time when Smt. Anjana Gupta submitted her letter dated 18-1-1985, the Muzaffarnagar branch was not under the administrative control of the Regional Manager, but under the independent administrative control of the Chief Manager posted over there. It could also not be disputed that both the Regional Manager, Meerut and the Chief Manager, Muzaffarnagar branch were Scale-IV Officers and were equal in scale, status, rank and power in their respective area of operation.

It is also evident from record that no sooner than the Muzaffarnagar branch was upgraded and came under the direct administrative control of Scale IV Officers, i.e., the Chief Manager, the entire correspondence from Muzaffarnagar branch had been made to the Deputy General Manager, Zonal Office, Lucknow under whose administrative control both Regional Manager, Meerut and Chief Manager Muzaffarnagar Branch were functioning independently in their respective area of operation. This is why the letter dated 18-1-85 of Smt. Anjana Gupta was sent to the Deputy General Manager, Lucknow by the Chief Manager, Muzaffarnagar branch and not to Regional Manager, Meerut. It is also evident from record that vide letter 31-1-1985 the Deputy General Manager, Lucknow directed the Chief Manager, Muzaffarnagar branch to accept the resignation of Smt. Anjana Gupta, he himself being competent to do so. In their arguments, it has been submitted by the management that had the resignation of Smt. Anjana Gupta been accepted by the Regional Manager, Meerut, then she might have come with the plea that since the Muzaffarnagar Branch was not under the administrative control of the Regional Manager, he was not competent to accept her resignation. Thus, analysing the evidence on record, it is fully established that both the Regional Manager, Meerut and the Chief Manager, Muzaffarnagar Branch, were Scale-IV Officers, enjoying the same scale status, rank and powers in their respective area of operation. At the time when names, Anjana Gupta submitted her letter dated 18-1-85, it was the Chief Manager, Muzaffarnagar branch, who was exercising powers of appointing/disciplinary authority in respect of the staff posted at Muzaffarnagar branch and not the Regional Manager. I find force in the arguments advanced by the management and I have come to the conclusion that resignation of Smt. Anjana Gupta has been accepted by the competent authority, who was equally placed to that of the Regional Manager, Meerut in scale, status, rank and powers in respect of the staff posted at Muzaffarnagar branch.

16. Smt. Anjana Gupta has alleged that the Chief Manager who accepted her resignation was biased in favour of another employee, Smt. Shantosh Gupta, who was also posted at Muzaffarnagar branch regarding her transfer to Saharanpur City. In this connection, the Chief Manager, while deposing before me, has stated that the allegation is baseless in as much as that Smt. Shantosh Gupta had requested for her transfer to Saharanpur on 10-6-86 quite after Smt. Anjana

Gupta had already been relieved from the service of the Bank. He has further deposcd that the transfer of Smt. Shantosh Gupta could be effected to only on 5-6-1989 when there was vacancy at Saharanpur. In his cross-examination, this fact remained unrebuted. I, therefore, do not find any force in the allegation of Smt. Anjana Gupta against the Chief Manager, who had accepted her resignation.

17 As a result of my discussion above I am of the opinion that there is no force in the contention of the workman representative and the action of the Management in treating the letter dated 18-1-85 of Smt. Anjana Gupta as resignation and accepting the same under the circumstances was justified. Parties shall bear their own costs.

7th July 1995

GANPATI SHARMA, Presiding Officer
नई दिल्ली, 8 अगस्त, 1995

का. आ. 2315:—श्रीदैविक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार में/म अशोक स्टोन वर्क्स के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीदैविक विवाद में केन्द्रीय सरकार श्रीदैविक अधिकरण, नं.-2, धनबाद के पंचपट का प्रकाशित करती है, जो केन्द्रीय सरकार को 8-8-95 को प्राप्त हुआ था।

[संख्या एल-29012/32/92-आईआर (विविध)]
बी.एम. डेविड, डैस्क अधिकारी

New Delhi, the 8th August, 1995

S.O. 2315.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. Ashoka Stone Works and their workmen, which has received by the Central Government on 8-8-95.

[No. L-29012/32/92-IR(MISC)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri D. K. Nayak, Presiding Officer.

In the matter of an Industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 118 of 1993

PARTIES:

Employers in relation to the management of M/s. Ashoka Stone Works and their workmen.

APPEARANCES:

On behalf of the workmen—None.

On behalf of the employers—Shri Shyamal Kr. Saha, authorised representative.

STATE : Bihar. INDUSTRY : Stone Mines
Dhanbad, the 31st July, 1995

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-29012/32/92-dated the 3rd June, 1993.

SCHEDULE

क्या प्रबन्धन अशोका स्टोन वर्क्स द्वारा श्री एकराषोल्क को कार्य में हटा देना एवं उसे पूर्ण पिछली मजदूरी देते हुए कार्य पर वापस लेने से इंकार करना उचित एवं न्यायप्रद है ? अगर नहीं तो कर्मकार किस अनुतोष का हक्कावार है ?

2. It appears from the record of this case that as many as number of days have been passed but since then the workmen neither turned up nor took any steps inspite of the notice issued to them. It therefore leads me to draw an inference that the workman is not interested to pursue his claim and presently there is no dispute existing between the workmen/Union and the management. Under the circumstances, I am constrained to pass a 'No dispute' Award in the reference.

D. K. NAYAK, Presiding Officer

नई दिल्ली, 8 अगस्त, 1995

का. आ. 2316:—श्रीदैविक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार नाईट रेलवे के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीदैविक विवाद में केन्द्रीय सरकार श्रीदैविक अधिकरण, कानपुर के पंचपट का प्रकाशित करती है, जो केन्द्रीय सरकार को 7-8-95 को प्राप्त हुआ था।

[संख्या एल-41012/10/89-आई आर (बी.आई)
के बी.बी. उन्नी, डैस्क अधिकारी

New Delhi, the 8th August, 1995

S.O. 2316.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway, and their workmen, which was received by the Central Government on 7-8-1995

[No. L-41012/10/89-IR (B-I)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT PANDU NAGAR DEOKI PALACE
ROAD, KANPUR

Industrial Dispute No. 109 of 1990

In the matter of dispute—

BETWEEN

Divisional Secretary,
Uttar Railway Karamchari Union 39-II-J.
Multistoried Colony Charbagh Lucknow.

AND

Dy. Controller of Stores
Northern Railway,
Alambagh Lucknow.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-41012/10/89-I.R. (DU) dated 15-4-90, has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Dy. Controller of Stores, Northern Railway, Lucknow in non-promoting Sri Ram Dhani from the post of D.S.K. II to D.S.K. I w.e.f. 4-9-84 is justified ? If not, what relief the workman concerned is entitled ?

2. The concerned workman Ram Dhani in his written statement has alleged that in the year 1984 he was working as DSK. II in the grade of Rs. 550—750 under Deputy Controller of Stores Northern Railway Alambagh Lucknow. On 4-9-84, one K. D. S. Verma junior to the concerned workman was promoted at the post of DSK I in the grade of Rs. 700—900. Later on some other junior persons to him were promoted. These persons were promoted after ignoring the claim of the concerned workman which is illegal. Hence he is entitled for promotion from 4-9-84.

3. Opposite party has filed written statement in which it was alleged that the work of concerned workman was not satisfactory and that he did not improve his work inspite of direction. Hence he was not promoted.

4. In support of his case the concerned workman has filed his affidavit whereas Railway has filed only papers which have not been proved. No oral evidence has been filed in rebuttal. Apart from this the concerned workman was not cross examined inspite of repeated opportunities having been ordered to him. In my opinion, under the above circumstances the case of the concerned workman Ram Dhani is fully proved. The Railway has not proved that the work of the concerned workman was not satisfactory. Hence there was no justification in superseding the concerned workman. In view of above, I accept the case of the concerned workman and hold that the action of the Railway in not promoting the concerned workman from the post of DSK II to DSK I w.e.f. 4-9-84 is not justified. As such the concerned workman will be entitled for promotion w.e.f. 4-9-84 with all consequential benefits. Concerned workman shall also get Rs. 100 as costs from the Railway.

5. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 8 अगस्त, 1995

का.आ. 2317.—श्रोतृगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमरण में, केन्द्रीय सरकार युको बैंक के प्रबन्धनालय के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट श्रोतृगिक विवाद में, श्रोतृगिक अधिकरण, अजमेर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-8-95 को प्राप्त हुआ।

[संख्या एल-12012/305/94—प्राई.आर.बी.-2]
ब्रज मोहन, डैस्क अधिकारी

New Delhi, the 8th August, 1995

S.O. 2317.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ajmer as shown in the Annexure in the industrial dispute between the employers in relation to the management of UCO Bank and their workmen, which was received by the Central Government on 7-8-1995.

[No. L-12012/305/94-JR (B-II)]
BRAJ MOHAN, Desk Officer

अनुबन्ध

श्रम न्यायालय एवं श्रोतृगिक न्यायाधिकरण, अजमेर
केस नं. सी आई टी आर 1/95
रेफरेंस नं. एल-12012/305/94 दिनांक 9-3-95
श्री ओमप्रकाश शर्मा, सनातन धर्म सभा, स्टेशन रोड, डीडवाना
जिला नागौर

बनाम

प्रबंधक, युको बैंक, शाखा डीडवाना जिला नागौर (राजस्थान)
उपस्थित

न्यायाधीश श्री हरि मिह अस्नानी आर एच जे एस
प्रार्थी की ओर से : श्री ओमप्रकाश
अप्रार्थी की ओर से : श्री सागरमल
अधार्ड दिनांक अवार्ड

भारत सरकार के श्रम मंत्रालय ने इस आशय का विवाद इस न्यायाधिकरण को प्रेपित किया है कि क्या श्री ओमप्रकाश शर्मा, आकस्मिक अमिक की जनवरी, 1991 से सेवायें

पृथक करने की यको बैंक डीडवाना जिला नागौर प्रबंध की कार्यवाही बैच एवं उचित है? यदि नहीं तो उक्त अमिक किस अनुतोष पाने का अधिकारी है।

अधिक ओमप्रकाश शर्मा ने दिनांक 27-5-1995 को प्रस्तुत अपने स्टेटमेंट आफ फैम में तात्विक सार में यह दर्शाया है कि वह दैनिक वेतन भोगी कर्मचारों के रूप में विपक्षी बैंक में सन् 1984 से कार्य कर रहा था। प्रारम्भ में कुछ समय के लिये उसे पानी वाला के रूप में दर्शाया गया तेकिन उसमें व.ओ.क. के सभी कार्य करवाये गये। उसे कुछ महीने, चौकोदार के रूप में भी दर्शाया गया और उसने मन् 1986 से चपरासी के रूप में 446 दिन का कार्य किया।

यह कि विपक्षी बैंक की नीति एवं कर्मचारी फेडरेशन के माध्यम समझौते के अनुसार 240 दिन से अधिक कार्य करने के कारण वह विपक्षी प्रबंध में समाविष्ट होने को पात्रता रखता था। उसमें कनिष्ठ लोक स्थायी सेवा में समाविष्ट कर लिये गये किन्तु प्रार्थी के प्रति विपक्षी बैंक ने पक्षपात्र पूर्ण रूपया अपनाते हुये इस लाभ से वंचित कर दिया। अतः प्रार्थी ने उसमें कनिष्ठ कर्मचारियों को दी गई नियुक्ति की तरीख से नियुक्त एवं अनुमांगिक लाभ का अनुतोष चाहा है।

विपक्षी प्रबंध द्वारा प्रस्तुत जवाब का सारांश यह है कि प्रार्थी को दैनिक वेतन भोगी कर्मचारी के रूप में नियुक्त नहीं किया गया था और 1981 से वह केवल पानी भरने और यदा कदा पानी के बरतन और स्थान को साफ करने करने का 20-30 मिनट प्रतिदिन कार्य करता था जिसका उसे आरम्भ में 50 पैसे प्रति दिन तत्पश्चात् 2 रुपये प्रति दिन और उसके पश्चात् 5 रुपये प्रतिदिन के हिसाब से भुगतान किया जाता था और यह काम पूरा करते ही उसका कार्य समाप्त हो जाता करता था। विपक्षी के जवाब के अनुसार प्रार्थी ने कीब 3 माह ऐसे समय चौकोदार का कार्य किया था जब निर्माणाधीन शाल्वा भवन में प्रलेख सुरक्षित न होने से निगरानी की ज़रूरत थी और यह निर्धारित अवधि तथा निश्चित उद्देश्य के लिये कार्य था और इस हेतु उसे 10 रुपये प्रतिदिन 1984 में दिये गये और मामला इस साल पूर्व ही समाप्त हो गया।

जवाब के अनुसार कथित समझौते में “दैनिक वेतन भोगी बाटर बाय” सम्मिलित नहीं था और न ही प्रार्थी नियमित सेवा के लिये कोई पात्रता ही रखता था। जवाब में 1992 एस.एल.बी.आर. सुप्रीम कोर्ट पेज 44 के दृष्टान्त का उल्लेख करते हुए यह कहा गया है कि लोक संस्थान की सेवाओं में दैनिक कार्य करने वालों को नियमित करने की कार्यवाही अनुचित है। प्रार्थी श्री ओमप्रकाश ने साक्ष्य में स्वयं को पेश किया और विपक्ष की ओर से श्री सागरमल साक्ष्य में पेश हुये।

मैंने उमय पक्ष को सुना तथा पूछावली का अवलोकन किया।

सर्वप्रथम हम प्रार्थी ओमप्रकाश की साक्ष्य का अवलोकन करना चाहते हैं।

प्रार्थी ओमप्रकाश ने अपनी साक्ष्य में कहा है कि दिनांक 5-1-85 में उगते विधीय बैंक में पानी भरने का काम शुरू किया था जिसके नंगे 15 रुपये मालवार देते थे। इस गवाह ने यह भी स्वाक्षर किया है कि जब विषय बैंक की ब्रिलिंग निर्माणाधीन थी तब उसको तीन महीने की अवधि के लिये चौकीदार के रूप में 10 रुपये प्रतिदिन के त्रिमास में रखा गया था। इस गवाह के अनुसार उसने पानी के बर्तन साफ नहीं किये। इस गवाह के अनुसार उसने मौखिक आदेश पर चतुर्थ श्रेणी कर्मचारी के रूप में 1980 से 1982 तक लगातार कार्य किया था और शुरू में उसे 2 रुपये प्रतिदिन भुगतान करते थे और 1983 तक इस दर पर उसने कार्य किया तत्पश्चात विषय बैंक ने उसे कम्भी 0-8 रुपये तो कभी 10 रुपये देना शुरू कर दिया और इस दर से उसने 1987-88 तक कार्य किया उसके बाद उसे 15 रुपये प्रतिदिन के हिसाब में दिया जाने लगा।

प्रार्थी ने प्रदर्श एम-1 विषयी बैंक द्वारा भूगतान के दिये गये विवरण को गलत बताते हुए कहा कि 240 दिन का कार्य 19-10-89 तक पूर्ण कर लेने के कारण पक्षकारान के सम्बन्ध समझौते के परिणामस्वरूप नाग मरकुलर से उसकी पावता समाप्त नहीं हो जाती।

विषयी बैंक के गवाह थी सागरमल गुप्ता की साक्ष्य है कि प्रार्थी पानी भरने और उसके बैंक साफ करने का केवल 15-20 मिनट के लिये कार्य करता था। इस गवाह के अनुसार बैंक के भरमन के समय मात्र अगस्त मित्तव्य और अक्टूबर 1984 में तीन महीने के लिये प्रार्थी को दम रुपये प्रतिदिन बैंक द्विमास चौकीदार के रूप में रखा था और वह काम समाप्त होने पर उस कार्य में उसे पृथक कर दिया गया। प्रार्थी ने अप्रैल 1990 में काम छोड़ दिया और तब तक वह आरम्भ से ही 15-20 मिनट के लिये ही कार्य करता था। प्रदर्श एम-1 में दिया गया विवरण रिपोर्ट के हिसाब से पूर्णतया सही है। प्रदर्श एम-2 में दर्शित गती के अनुसार प्रार्थी बैंक में समाविष्ट नहीं हो सकता था क्योंकि वह वाटर बॉथ था और उसकी आयु प्रथम ऐगेजमेंट में तारीख पर 18 वर्ष से कम थी। जिरह में प्रार्थी ने उसे रिपोर्ट पेश करने आवत कहा और तत्काल गवाह ने प्रतेक प्रदर्श एम-3 लगायत एम-55 पेश कर दिये जिससे जाहिर होता है कि प्रार्थी को पानी भरने और विनियन का भूगतान किया गया था और उन भुगतानों के अधिकांश पृष्ठों पर प्रार्थी ओमप्रकाश के हस्ताक्षर हैं; प्रार्थी ने मेरे समझ निम्न तरफ प्रस्तुत किये:—

(1) यह कि उसने 1984 में 1992 तक लगातार चतुर्थ श्रेणी कर्मचारी के रूप में पूरे टाइम 10 से 5 काम किया।

(2) यह कि विषयी बैंक ने देखतावश उसे नियमित नहीं किया और बैंक की यूनियन ने भी प्रार्थी का समर्थन नहीं किया है और न उसे यूनियन ने चन्दे की रसीदें दी।

उसके विपरीत विषयी के प्रतिनिधि ने यह तर्क दिया कि प्रार्थी ने केवल 15-20 मिनट के लिये ही पानी भरने का व पानी के बर्तन साफ करने का कार्य किया जिसका भुगतान उसे कर दिया गया और प्रदर्श एम-2 परिचय की शर्तों के अनुसार प्रार्थी पावता नहीं रखने के कारण उसे नियुक्त नहीं दी गई और बैंक की प्रार्थी से कोई इंपाना नहीं था।

मैंने पूछावली एवं प्रस्तुत तर्कों पर गोप्य किया। प्रार्थी ने अपने क्लेम में 1984 से विधीय बैंक में दैनिक वेतन भोगी कर्मचारी के रूप में कार्य करना सुनाया है जबकि उसने अपनी साक्ष्य में 1980 से काम करना दर्शाया है। प्रार्थी ने अपने क्लेम के समर्थन में या साक्ष्य की सम्पुष्टि में कोई दस्तावेज पेश नहीं किया है उसने यह भी नहीं दर्शाया है कि उससे कनिष्ठ किन कर्मचारियों को नियुक्ति दे दी गई। जब कोई कर्मचारी राष्ट्रीयकृत संस्था में 8-10 वर्ष कार्य करें जहाँ कर्मचारियों की यूनियन भी सक्रिय हो फिर भी वह किसी प्रकार का कोई प्रमाण दस्तावेज, या यूनियन का समर्थन पेश न कर पाये तो यह सब इस बात का घोतक है कि प्रार्थी का कथन विश्वसनीय नहीं है। केवल 15-20 मिनट के कार्य के लिये च, श्र., कर्मचारी के पद पर नियुक्त एवं समस्त वेतन लाभ की प्रार्थना भेरी दृष्टि में कोई शौचित्य नहीं रखती।

विषयी बैंक की विश्वसनीय साक्ष्य तथा दस्तावेजात से ऐसा स्पष्ट प्रकट होता है कि प्रार्थी ने वाटर बॉथ के रूप में कीवी आधा घण्टा के लिये कार्य किया जिसका समय-समय पर उसे विषयी बैंक द्वारा भूगतान किया जाता रहा।

उक्त विवेचन एवं विश्लेषण, से मैं इस निष्कर्ष पर पहुंचा हूँ कि प्रार्थी कोई कानूनी अधिकार अपने पक्ष में बताने में विफल रहा है अतः विषयी बैंक की कार्यवाही अवैध नहीं मानी जा सकती और प्रार्थी को विषयी बैंक से किसी प्रकार के अनुतोष प्राप्त करने का अधिकार नहीं है।

अधिनियम आज दिनांक 31-7-95 को खुले न्यायालय में लिखाया जाकर सुनाया गया।

हरि मिह अस्तानी, न्यायाधीश

नई दिल्ली, 8 अगस्त, 1995

का, आ, 2318.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, बेन्द्रीय मरकार इम्फू सी एल. के प्रबन्धतान के संबद्ध नियोज-कों और उनके कर्मकारों के वीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकारण, जवलपुर

के पंचाट की प्रकाशित करती है, जो केन्द्रीय सरकार को 7-8-95 को प्राप्त हुआ था।

[सं. एन—21012/74/87-II-III (बी)]
राजा लाल, डैम्प अधिकारी

New Delhi, the 8th August, 1995

S.O. 2318.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of W.C. Ltd. and their workers, which was received by the Central Government on 7-8-1995.

[No. L-21012/74/87-D.III (B)]
RAJA LAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)
Case Ref. No. CGIT/LC(R)(4)/1988

BETWEEN

Shri B. N. Banerjee, represented through the Assistant Treasurer, R.K.K.M.S. (INTUC), PO Chandametta, District Chhindwara (MP).

AND

The Manager, North Chandametta Colliery, P.O. Chandametta, District Chhindwara (M.P.).

PRESIDED IN :

Shri Arvind Kumar Awasthy.

APPEARANCES :

For workman—Shri S. K. Rao, Advocate.

For Management—Shri Rajendra Menon, Advocate.

INDUSTRY : Coal Mines DISTRICT : Chhindwara (MP)

AWARD

Dated, the 25th July, 1995

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-21012/74/87-D.III (B) dated 4-12-1987, for adjudication of the following matter of dispute :—

SCHEDULE

"Whether the action of the management of North Chandametta Colliery of WCL, Pench Area, Parasia, Distt. Chhindwara in retiring Shri B. N. Banerjee, Elec. Foreman w.e.f. 18-7-85 and not taking into account the School Certificate is justified ? If not, what relief the workman is entitled to ?"

2: Admitted facts of the case are that the workman, Shri B. N. Banerjee, was appointed on 25-10-1951 in the erstwhile Pench Valley Coalfields Limited which has amalgamated in Coalfields Limited after the nationalisation under Coal Mines Nationalisation Act, 1973. It is also common ground that the management used to maintain the register of Form B for the particulars of date of birth of the employees; that in the year 1981 the Age Determination Committee was formed as per instructions of JBCCI. It is also common ground that Shri B. N. Banerjee worked as Electrical Foreman and he was retired with effect from 18-7-1985 on attaining the age of superannuation i.e. 60 years; that Shri B. N. Banerjee expired after the reference by the Ministry of Labour on 18-4-1992.

3. The case of the Union is that the actual date of birth of the workman, Shri B. N. Banerjee, was 18-1-1930; that the workman made representation on 10-7-1981 enclosing therewith the School Leaving Certificate for correction of his date of birth i.e. 18-1-1930 instead of 18-7-1925; that the workman was illegally retired from service with effect from 18-7-1985.

4. The legal heirs of the workman are entitled for the wages and other benefits accrued thereafter.

5. The case of the management is that the workman has declared his date of birth as 18-7-1925 and the same was verified and signed by the workman; that after the nationalisation of coal mines all the records of service particulars of the workman maintained by the erstwhile company was transferred to the present management and the management in the year 1975 prepared Form Register; that the workman signed the Form B register to the effect that his date of birth was 18-7-1925; that the case of the workman was considered by the Age Determination Committee and it was found that his age was correctly recorded in Form B Register; that vide Clause I.I. No. 37 of National Coal Wage Agreement Report of the Age Determination Committee is final. The management has alleged that the School Leaving Certificate filed by the workman is suspicious and bogus. The management has alleged that the action of the management in retiring the workman with effect from 18-7-1985 is just and proper.

6. Terms of reference was made the issue in the case.

7. The Order dated 18-12-1991 discloses that the management has admitted three documents of the workman, marked Ex. W/1 to Ex. W/3. The workman has also admitted three documents, marked Ex. M/1 to Ex. M/3. Parties have not led oral evidence in support of their case.

8. The only evidence to substantiate the case of the workman that his date of birth in the official record of the management was wrongly recorded as 18-7-25 instead of 18-1-1930 is Ex. W/1 (School Leaving Certificate of a private High School of P.O. Ethora, Burdwan). From the perusal of Ex. W/1, School Leaving Certificate, it is clear that it was issued on 9-5-1985. According to Para 10 of the statement of claim, the case of the workman is that in the year 1981 he made representation along with the School Leaving Certificate for correction of the date of birth; that School Leaving Certificate which he produced before the management in the year 1981 is not filed. Workman has not examined any witness to prove the authenticity of Ex. W/1, School Leaving Certificate, Ex. W/1, was prepared on the basis of the Admission Register of the School is not filed and the Teacher who has prepared the School Leaving Certificate, Ex. W/1, is also not produced.

9. The management has relied on copy of Form B Register (Ex. M/2) which bears the workman's signatures and the report of the JBCCI Ex. M/1. From Ex. M/2 it is clear that as per rules the details of the workman are given and it bears the photograph and the signatures of the workman concerned and also signatures of the management. In Ex. M/2 the date of birth of the workman is shown as 18-7-1925. Ex. M/2 bears the signatures of the workman in English and his designation is shown as Electrical Foreman 'C'. It is an admitted fact that the workman was literate. Consequently, Ex. M/2 is an important document, admission therein by the workman that his date of birth was 18-7-1925 demolishes his case that his date of birth was 18-1-1930.

10. Ex. M/3 is the Service Record of the workman prepared by the management of Dalta West Colliery and therein the date of birth is shown as 18-7-1925. It is also mentioned therein that the age of the workman at the time of service was 27 years. Ex. M/3 also bears the signatures of the workman in English. This document Ex. M/3 is the reliable evidence which establishes the date of birth of the workman because it was prepared by more than 40 years back and because at the time of preparation of record Ex. M/3 there was no dispute regarding the date of birth of the workman.

11. Section 114 of the Evidence Act lays down that the Court will presume the authenticity of 30 years old document. Ex. M/3 is more than 30 years old, but it is a record maintained in regular course of business. Section 114 of the Evidence Act also lays down that the document maintained during the course of business will be presumed authentic. Apart from the fact that more than 30 years documents are not kept, its authenticity is verified by the fact that it bears the signatures of the literate workman.

12. From Ex. M/1 it is clear that the Age Determination Committee considered the case of the workman and it was declared that the date of birth of the workman as 18-7-1925 was rightly recorded.

13. In Coal Industry, Joint Bipartite Committee on Coal Industry (JBCCI) in which Central Trade Unions, INTUC, All UC, CITU, HMS and BMS are parties in addition to management, had decided at industry level modus operandi for determination and resolving all complaints of age and this industry level joint decision is contained in Implementation Instruction No. 37 of National Coal Wage Agreement-II. This Implementation Instruction No. 37 has resolved finally at industry level with the cooperation of all the 5 Central Trade Unions, procedure for determination and verification of Age complaints and so the same cannot be re-opened. This implementation instruction lays down under item No. 6 that this procedure of Age Determination verification laid down in the Implementation Instruction supersedes the existing procedure/orders, if any, on the subject. It also lays down that age determined by Age Determination Committee is final (vide Cl. 5 of I.I. No. 37).

14. Finding of the Age Determination cannot be challenged by the workman in view of the alleged agreement between the Union and the workmen.

15. The workman has filed the notice Ex. W/3 dated 21-2-87. From Ex. W/3, it is clear that the workman has raised the dispute regarding the age few years after his retirement. The workman has not given any explanation of raising the dispute before the A.L.C. (C) or before the competent authority for correction of his age before his superannuation. The workman was literate and held a responsible post. It is unlikely that such an educated senior employee will be oblivious of his right for the correction of his date of birth in service record till the date of his retirement. This long unexplained silence of the workman for raising the dispute regarding the correct of his date of birth in service record is in the aforesaid back drop and a vital factor to make this claim doubtful and spurious.

16. Consequently, Form B Register Ex. M/2, Service Record of the workman dated 15-10-51 (Ex. M/3) and the report of the Age Determination Committee Ex. M/1 plus inordinate unexplained laches of the workman in raising, the age dispute establishes beyond reasonable doubt that the case of the workman that his actual date of birth is 18-1-1930 instead of 18-7-1925, is an after thought, a cooked up claim and the claim against his own admissions in writing.

17. In the aforesaid circumstances, the solitary documents Ex. W/1 is incapable of establishing that the actual date of the workman is 18-1-1930 and I have no hesitation in observing that Ex. W/1 appears to be false and fabricated.

18. The Hon'ble Supreme Court in recent various cases made observation to the effect that the Tribunal should be cautious in dealing with the application of alteration of date of birth made on the verge of superannuation because of the growing tendency to raise such dispute by the public servant. The Hon'ble Supreme Court has directed that the Tribunal should be slow in interfering with the findings of the management and only in the case of irrefutable evidence to establish the date of birth, the Tribunal should interfere. Following are the observations made by the Hon'ble Supreme Court in case of Secretary and Commissioner Home Department Vs. Kirubakaran (AIR 1993 SC p. 2647)

If an application is made for correction of the date of birth mentioned in the service records at an early date or within the time prescribed, the authorities are in much better position to verify the same. Normally, in the most of the services, the date of birth is recorded in the service records on the eve of the appointment with reference to the date of birth mentioned in the Matriculation Certificate, Higher Secondary Education Board Certificate or any other certificate of similar nature produced by the applicant for his appointment. As such whenever an application for alteration of the date of birth is made on the eve of superannuation or near about that time, the Court or the Tribunal concerned should be more cautious because of growing tendency amongst a section of public servants to raise such a dispute, without explaining as to why this question was not raised earlier..."

19. The Hon'ble Supreme Court in case of Union of India Vs. Haunam Singh [1993 (2) SCC p. 162 at para 7] has made the similar observation. The workman has not led an iota of evidence to explain the inordinate delay of more than 35 years in raising the dispute for correction of his date of birth. The workman has not given explanation that how and why he made the wrong declaration regarding his age at the initial stage of his appointment and verified it. The workman has also not cared and dared to establish the genuineness of the School Leave Certificate (Ex. W/1). Consequently, in view of the aforesaid observation of the Hon'ble Supreme Court and looking to the evidence and record, it is held that the case of the workman for correction of date of birth is hopeless and not at all acceptable. Therefore, it is held that Shri B. N. Banerjee was rightly retired with effect from 18-7-1985 and the action of the management in not taking into account the School Leaving Certificate was justified. Reference is answered in favour of the management. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 8 अगस्त, 1995

का. आ. 2319.—श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रनुसार में केन्द्रीय सरकार एफ. सी. आई. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीद्योगिक विवाद में केन्द्रीय सरकार श्रीद्योगिक अधिकारण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-8-95 को प्राप्त हुआ था।

[सं. एल-22012/502/90-आईआर (सी-II)]

राजा लाल, डैस्क प्रबिकारी

New Delhi, the 8th August, 1995

S.O. 2319.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of F.C.I. and their workmen, which was received by the Central Government on 7-8-1995.

[No. L-22012/502/90-IR (C-II)]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—
CUM-LABOUR COURT PANDU NAGAR DEOKI PALACE
ROAD, KANPUR

Industrial Dispute No. 67 of 1991

In the matter of dispute :

BETWEEN

Executive Member

Bhartiya Khadya Nigam Karamchari Sangh
41/417 Janki Bhawan Narhi
Lucknow.

AND

Senior Regional Manager
Bhartiya Khadya Nigam
5-6 Habibullah Estate
Hazaratganj Lucknow.

AWARD

1. Central Government Ministry of Labour, New Delhi, vide its Notification No. L-22012/502/90-I.R. (Coal-II) dated 15-4-93, has referred the following dispute for adjudication to this Tribunal—

Whether SRM Food Corporation of India, Lucknow, was justified by imposing penalty of stoppage of two increments with cumulative effect and debarring the workman Sri K. K. Awasthi AG. I(D) FSD Barabanki for the promotion for five years and non payment of balance wages for the suspension period in violation of principles of natural justice and also legally justified, if not what relief the workman is entitled ?

2. The concerned workman K. K. Awasthy is posted as AGI (D) at Barabanki. In the year 1981-82 he was posted in Unit No. 1 FSD of Food Corporation of India Kuraghat Gorakhpur. On 11-10-84 he was served with the following charge-sheet in connection with alleged misconduct of the year 1981-82 :

Sri K. K. Awasthy, while posted and functioning as Assistant Grade (1) (Depot) of Unit No. 1 of the FSD FCI Kuraghat, Gorakhpur during the year 1981-82, failed to maintain absolute integrity and devotion to duty and committed misconduct in as much as he failed to maintain properly the stocks of Unit of the said depot under his charge, due to such lack of devotion to duties on his part and disregard to guidelines given in Job Description Part-I, a shortage of 161 bags of wheat was detected by the IA and PV Team during Physical Verification of the said depot from 3-2-82 to 6-5-82 and thereby contravened regulation No. 31 and 32 of FCI Staff Regulation 1971.

The concerned workman filed his reply to the chargesheet denying the allegations and also alleging that the charge sheet is vague. Sri V. P. Prasad Deputy Manager was appointed as Enquiry Officer. He recorded the evidence of personnel of investigating team and after assessing their evidence gave his report on 19-4-88 holding that the chargesheet against the concerned workman was not proved. Senior Regional Manager by his order dated 30-3-90/11-5-90 disagreeing with the report of enquiry officer held that the charge against the applicant was proved as such he awarded punishment as under—

Now therefore, the undersigned in exercise of powers conferred under Regulation 56 of FCI (Staff) Regulation 1971 imposes the penalty of withholding of two increments for the year 1991 and 1992 with cumulative effect upon said Sri K. K. Awasthi AG. I (D). It is further ordered he is debarred for promotion to next higher post for 5 years.

However, after completion of 5 years he will be eligible for promotion if comes under zone of consideration.

The period of suspension of Sri K. K. Awasthi, A.G.I. (D) is regularised as period spent on duty but he will not be paid more than what has already been paid as subsistence allowance during the period of suspension.

Feeling aggrieved by this punishment order the concerned workman has raised the instant I. D. case through the Union. In the written statement the concerned workman had once again alleged that the chargesheet was vague and further that the enquiry was not held fairly and properly. It was also alleged that the Senior Regional Manager was not competent authority to impose punishment. Further the punishing authority has not recorded reasons and specific findings against the workman while imposing punishment. On facts it was denied that the applicant was in any way responsible for the shortage. If there was any shortage at all it was on account M. S. Tripathi A.G. I. from whom he had taken charge recently. The management filed their reply and denied that enquiry was improperly held. It was also denied that charge was vague. It was further alleged that since the concerned workman was responsible for the proper maintenance of stocks he was responsible for shortage which was found by the investigating authorities. It was denied that Sr. Regional Manager was not competent to impose punishment. It is also denied that he had erred in exercising his power under regulation 56 of FCI (Staff) Regulation 1971.

3. In his rejoinder the concerned workman has reiterated the allegations of the claim statement and had denied the factual new allegations raised in the written statement

4. My learned predecessor had framed following four issues :—

1. Whether the charge levelled against the workman was vague ?
2. Whether the enquiry was not conducted fairly and properly ?
3. Whether the Sr. Regional Manager was not the Disciplinary Authority of the workman ?
4. Whether the findings given by Sr. Regional Manager in his capacity as Disciplinary Authority are not based on evidence ?

5. I have heard the representative of both the sides. As regards issue nos. 1 and 2 I do not think that they need any finding at all. The answer to the issues as mentioned above is necessary in those cases where the findings of enquiry officer goes against the workman. In the instant case it has already been given that the enquiry officer recorded finding in favour of the concerned workman. Hence in such case there is no need to examine if the charges were vague or the enquiry was not held properly or fairly. Hence, these two issues are left undecided been meaningless for the purposes of the case.

Issue No. 3 :—

6. It is not disputed that when the concerned workman was charged he was holding post of A.G.I. from the perusal of punishment order dated 30-3-90/11-5-90 it is evident that it has been passed by Sr. Regional Manager of U. P. Region, who claims himself to be the disciplinary authority. The authorised representative of the concerned workman has filed copy of judgment dated 9-1-92 of writ petition no. 665(55) of 1992 Dhanpati Singh versus Food Corporation of India. In this case Dhanpati Singh was promoted from the post of A.G. Gr. III to A.G. Gr II and From A.G. II to A.G. I by Zonal Manager as is in the instant case. Dhanpati Singh was punished by Sr. R. M. He took the matter before the Hon'ble High Court by filing writ petition. The learned Single Judge relying upon the judgment of Division Bench in Writ Petition No. 9043 of 1989 and 7240 of 1991 had held that Sr. Regional Manager was

not the punishing authority of Assistant Grade I as such he could not pass order of punishment.

7. In view of this judgment of Hon'ble High Court there can be no escape from the conclusion that in the instant case Sr. Regional Manager had no jurisdiction to award punishment to the concerned workman. Hence on this score alone the order of punishment passed by the management cannot be justified and the reference is to be answered against the management and in favour of the concerned workman.

Issue No. 4 :—

8. The authorised representative of the concerned workman has submitted that in any case the Sr. Regional Manager had not faithfully applied with the requirement of Regulation 59 of FCI (Staff) Regulation 1971 Sub Rule (2) of the above Regulation goes as under :—

A Disciplinary Authority, competent under these regulations to impose any of the penalties specified in clauses (i) to (iv) of Regulation 54 may institute disciplinary proceedings against any employee of the Corporation for the imposition of any of the penalties specified in clauses (v) to (ix) of Regulation 54 notwithstanding that such disciplinary authority is not competent under these regulations to impose any of the latter penalties.

Inter alia it requires that disciplinary authority has to record its reasons if it does not agree with the finding of the enquiry officer. Further on the basis of evidence on record it is to record its own findings on the charge. In the light of above provision the authorised representative has drawn my attention to the order of punishment. In the first place the punishing authority has observed that since the concerned workman had taken physical charge from M. S. Tripathi on 6-8-81 and he was incharge of depot he alone is responsible for the shortage. Secondly it was observed that from the evidence of physical verification report shortage of 161 bags was proved. It is submitted that reply to these two points was fully given in the enquiry report and the reasons given by the enquiry officer are more cogent than what given by the disciplinary authority which are based on hypothesis. It is pertinent to point out that the disciplinary authority has failed to take note of the evidence of H. S. Panchhi A. M. (Audit) Physical Verification, who in his cross examination before the Enquiry Officer had admitted that there was no overall shortage in Union (A) and (B). Perhaps the disciplinary authority by inadvertance had failed to take note of the above evidence. It was perhaps in order to avoid hardship for the workman in such situation that Hon'ble High Court in the case of K. N. Misra Versus Managing Director, State Bank of India 1991 (63) FLR 921 had held that even where there were no rules for affording opportunity of hearing before awarding punishment in a case where the disciplinary authority disagree with the report of enquiry officer, rule of natural justice require that hearing should be given. While giving this judgment reliance was placed on the case of R. P. Singh versus State Bank of India 1990 LCD 497 and Narain Mishra versus State of Orissa 1989 FLR 658. Had the disciplinary authority afforded opportunity to the concerned workman before awarding punishment perhaps this inadvertent mistake could have been avoided. Hence in my opinion, in the instant case the reasons given by the disciplinary authority were also not consistent with the evidence on record and as such it is vitiated. Further the Disciplinary authority had not recorded its own findings at all. Hence there is substance in the contention of the authorised representative of the concerned workman that there has not been due exercise of jurisdiction by disciplinary authority as required by Regulation 59 of FCI (Staff) Regulation, 1971. Accordingly this issue is also answered in favour of the concerned workman and against the management.

9. On the basis of findings on above two issues it is held that the action of the management in awarding punishment of stoppage of two increment with cumulative effect and debarring the concerned workman for promotion for five years and also withholding the balance amount of

wages for the suspension period is not justified. Concerned workman is held entitled for all wages and balance wages of subsistence allowance which he could have been entitled in regular course on the assumption that no such punishment existed against him.

10. Reference is answered accordingly.

B. K. SRIVASTAVA. Presiding Officer

नई दिल्ली, ९ अगस्त, 1995

का. आ. 2320.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में, संस्कृत कोलफील्ड्स लि की राजहारा कोलियरी के प्रबन्धतान के संबंध नियोजकों और उनके कर्मकारों के बीच, प्रबन्ध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकारण, (म. 1), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार के 8-8-95 को प्राप्त हुआ था।

[संख्या—एल-20012/263/91-आर्ड आर (कोल-1)]

दर्ज भोहन, डैम्स अधिकारी

New Delhi, the 9th August, 1995

S.O. 2320.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 1), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Rajhara Colliery of M/s. C.C.L. and their workmen, which was received by the Central Government on 8-8-95.

[No. L-20012/263/91-I.R(Coal-1)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d)
(2-A) of the Industrial Disputes Act, 1947.

Reference No. 31 of 1993

PARTIES :

Employers in relation to the management of Rajhara Colliery of M/s. C.C. Ltd.

AND

Their Workman

PRESENT :

Shri P. K. Sinha, Presiding Officer

APPEARANCES :

For the Employers.—Shri R. S. Murthy, Advocate.

For the Workmen.—None.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 31st July, 1995

AWARD

By Order No. L-20012(263)91-I.R. (Coal-1) dated 4-1-93 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial

Disputes, Act, 1947, referred the following dispute for adjudication to this Tribunal :—

"Whether the action of the management of Rajdhara Colliery of M/s. Central Coalfields Ltd. in not regularising Shri Bhisu Bhuan and 284 others is justified ? If not, to what relief these workmen are entitled ?"

2. The Order of reference was received in this Tribunal on 9-2-93. Thereafter notice was sent to the sponsoring Union to file written statement on behalf of the workmen.

3. On the prayer of Sri D. K. Dey, Secretary of the sponsoring Union, a last chance was given to file written statement. Thereafter on four occasions no one was present on behalf of the sponsoring Union. Even on 31-7-95 none was present on behalf of the concerned workmen.

4. It, therefore, appears that neither the sponsoring Union nor the concerned workmen is interested to prosecute the reference.

5. Under such circumstances, I render a 'No dispute' award in the present reference.

P. K. SINHA, Presiding Officer

नई दिल्ली, 9 अगस्त, 1995

का. आ. 2321.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैं, भारत कोकिंग कॉल लि. की ओडीह कोलियरी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में, केन्द्रीय सरकार ओद्योगिक अधिकरण, (सं.-1) धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-8-95 को प्राप्त हुआ था।

[संख्या एस—20012/19/93-आईआर (कोल-I)]

ब्रज मोहन, डैस्क अधिकारी

New Delhi, the 9th August, 1995

S.O. 2321.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. I), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Kenduadih Colliery of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 8-8-95.

INR. L-20012/19/93-IR (Coal-I)
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d) (2-A) of the Industrial Disputes Act, 1947.

Reference No. 14 of 1994

PARTIES :

Employers in relation to the management of Kenduadih Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen

PRESENT :

Shri P. K. Sinha, Presiding Officer

APPEARANCES :

For the Employers.—Shri G. Prasad, Advocate.

For the Workmen.—None.

STATE : Bihar

INDUSTRY : Coal

Dated, the 3rd August, 1995

AWARD

By Order No. L-20012/19/93-I.R. (Coal-I) dated 16-2-94 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-sec. (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :—

"Whether the action of the management of Kenduadih Colliery of BCCL in superannuating Shri Rangu Mahato, Miner Loader w.e.f. 31-1-1991 without getting his age assessed by the Medical Board is justified ? If not, what relief is the workman entitled to ?"

2. The order of reference was received in this Tribunal on 21-2-94. Thereafter the case was fixed for filing written statement on behalf of the workmen. Despite registered notice as well as notice through special messenger sent to the sponsoring Union, no one appeared on behalf of the workman to file written statement. Even on 2-8-95, noon appeared on behalf of the sponsoring Union.

3. It, therefore, appears that neither the sponsoring Union nor the concerned workman is interested in prosecuting the present reference.

4. Under such circumstances I render a 'No dispute' award in the present reference.

P. K. SINHA, Presiding Officer

नई दिल्ली, 9 अगस्त, 1995

का. आ. 2322.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैं, भारत कोकिंग कॉल लि. के लोदीना क्षेत्र सं. 10 की साऊथ नीसग कोलियरी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में, केन्द्रीय सरकार ओद्योगिक अधिकरण, (सं. 2), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-8-95 को प्राप्त हुआ था।

[संख्या एस—24012/37/87-डी-4 (वी) /आईआर (कोल-I)]
ब्रज मोहन, डैस्क अधिकारी

New Delhi, the 9th August 1995

S.O. 2322.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award

of the Central Government Industrial Tribunal (No. 2) Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of South Tisra Colliery of Lodna Area No. X of M/s BCCL and their workmen, which was received by the Central Government on 8-8-95.

[No. L-24012/37/87-DIV(B)/I R(Coal-I)]

**BRAJ MOHAN, Desk Officer
ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD**

PRESENT :

Shri D. K. Nayak, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

Reference No. 279 of 1987

PARTIES :

Employers in relation to the management of South Tisra Colliery of Lodna Area No. X of M/s. B.C.C. Ltd. and their workmen

APPEARANCES :

On behalf of the workmen : Sri D. Mukherjee, Bihar Colliery Kamgar Union.

On behalf of the employers : Sri B. Joshi, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 1st August, 1995

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act. 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012(3)/87-D. IV(B) dated, the 25th September, 1987.

SCHEDULE

"Whether the demand of Bihar Colliery Kamgar Union that the Manager of South Tisra Colliery of Lodna Area-X of M/s. Bharat Coking Coal Ltd., P.O. Jeenagora, Distt. Dhanbad should provide employment to the dependant of late Bhagat Rewani, under NCWA-III, is justified ? If so, to what relief the concerned workman is entitled ?"

2. Pursuant to the aforesaid reference sent by the Govt. of India, Ministry of Labour the par-

ties in direction filed W.S. and rejoinder stating their respective case.

3. In the W.S. of the concerned workman union it is stated that Bhagat Rewani since deceased was a permanent Miner/loader of South Tisra Colliery and he died on 6-4-85 while he was on service and as per the provision of NCWA-III one of the dependant of the concerned workman is entitled to get employment and the dependant brother of the said deceased represented before the management several times for providing him employment which was not entertained and thereby an industrial dispute was raised before the ALC(C), Dhanbad by the union demanding the employment of the younger brother of the said Bhagat Rewani which ended in failure due to adamant attitude of the management. So this reference is. In this reference also only the claim of the union is to get employment of one of the dependant of late Bhagat Rewani which was refused illegally violating the provisions of NCWA. violating the provisions of NCWA.

4. In the W.S.-cum-rejoinder the employers have stated that the said Bhagat Rewani was a 'badli' worker and thereby he was not a workman within the meaning of Section 2(s) of the I.D. Act. Therefore, the matter does not fall within the scope of Section 2(k) of the I.D. Act and this also does not attract the provision of NCWA-III as contended.

5. In support of the contention many case laws have been referred to in the pleading with some questions stating the observation of Their Lordships of different High Court including Hon'ble Supreme Court. About the facts it is their contention that Badli worker is not entitled to get same benefits which a regular workman is entitled to. The further case of the employer is that the said Bhagat Rewani worked upto October, 1983 and he relinquished the job from October, 1983 and he did not work for 190 days in any year and he expired on 6-4-85 though initially it was stated 6-4-88 which was amended later on. Thereby it is prayed that this Tribunal will refuse the prayer of the workman. In the rejoinder it is denied that Bhagat Rewani had any dependant brother or he is entitled to get the job and according to them Badli worker is a substitute worker who becomes sick or absent to perform the permanent job which cannot be dispensed with.

6. In the instant case both parties have adduced their oral and documentary evidence in support of their respective contention.

7. At the very outset I cannot but comment that in the pleadings there is no rule for quoting the case laws which appears in the pleadings of the W.S.-cum-rejoinder filed by the employer and I think that this is prohibited in the rules as the principles laid down in the Civil Procedure Code are virtually applicable in this Court. Moreover, no such case law has been cited before me to

make me satisfied that those are to the point and applicable in the instant case. Therefore, I am to dispose of the case holding that the learned Advocate had failed to produce the said books for the reasons best known to him and thereby I am constrained to dispose of the matter upon the materials which are on record.

8. For the workmen two witnesses have been examined one is Chinta Devi, WW-1 who claims to be the wife of late Bhagat Rewani and other Jitlal Singh, WW-2 who supported Chinta Devi to be the wife of late Bhagat Rewani. From the side of the management one witness MW-1 Premlal Nishad has been examined. Besides that from the side of the workmen one photograph of Chinta Devi being attested by some person is filed and from the side of the management some documents have been filed which have been marked Ext. W-1 and some have not been marked.

9. In the instant case it is not disputed that Bhagat Rewani was a Badli miner/loader under the management. From Ext. W-2 marked from the side of the management it appears that in Form B Register the name of Bhagat Rewani is noted as Badli loader/miner which bears his LTI stating the name of his father Lebu Rewani and it is noted that he died on 6-4-85 and i.e. the date appears to be the date of termination on leaving of employment as stated in Column 10 of Form B Register of the employees maintained by the employer.

10. The argument advanced on behalf of the workmen is that Bhagat Rewani being a loader/miner of South Tisra Colliery and he died while he was in service as per the provision of NCWA-III one dependant is entitled to get service in his place and in course of argument the employment of her wife Chinta Devi was claimed and it is submitted that she submitted an application but as she was female she was not absorbed.

11. In reply to that argument it was submitted by Mr. Joshi, learned Advocate for the management that Ext. M-1 will go to show that Bhagat Rewani was a Miner/loader and badli worker and he discontinued from his work and as he is a badli worker his dependant is not entitled to get the benefit of the relevant provision of NCWA-III.

12. It is admitted position that the said Bhagat Rewani was a badli worker and let us consider the position of Badli worker as per certified standing Order for the workmen of the establishment under BCCL. In clause 7.04 classification of workman is given which includes in clause 7.1(d) badli or substitute worker. In clause 7.5 it is enumerated that a "badli" or "substitute" is one who is employed in the post of a permanent workman or a probationer who is temporarily absent from duties. he would cease to be a badli worker on completion

of continuous period of service of one year (190 days attendance in case of underground workman or 240 days in case of any other workman) in the same post or other post or post in the same category.

13. In order to see how many days work were performed by the said Bhagat Rewani let us consult Form G which are on record.

14. From the said registers it appears the following days were working days of the said workman.

Year	days
1981	63
1982	187
1983	26
	276

So total working days comes to 276 days and he was in service for more than three years leading to completion of such days as workman and thereby he comes within the classification of "workman" as per rules mentioned above of Certified Standing Orders for workmen of Establishment under BCCL.

15. Now I refer the rule 9.4.1 and 9.4.2. Rule 9.4.1 contemplates that employment would be provided to one dependant of workers disabled permanently and those who would meet with death while in service within this provision and the said provision would be implemented as per rule provided from 9.4.2 to 9.4.4. In the instant case clause 9.4.2 is applicable where it is reflected that the dependant for this purpose means the wife/husband as the case may, unmarried daughter, son and legally adopted son. In case of non-availability of such dependant, the younger brother and others mentioned therein would get employment to be the dependant of the deceased.

16. Therefore, this rule is applicable in case of the dependant of the deceased Bhagat Rewani as it has already been decided by this Tribunal that he is the workman.

17. Next question which is a very vital so far this reference is concerned.

18. To make it clear it is observed that I will meet question of reference sent by the Ministry of Labour for proper appreciation.

"Whether the demand of Bihar Colliery Kamgar Union that the Management of South Tisra Colliery of Lodna Area-X of M/s. Bharat Coking Coal Ltd., P.O. Jeenagora, Distt. Dhanbad should provide employment to the dependant of late Bhagat Rewani, under NCWA-III,

is justified ? If so, to what relief the concerned workman is entitled ?"

19. In this reference there is no where mentioned who is the defendant claiming job leading to this reference under NCWA-III and to whom by name the reliefs should be granted.

20. I am constrained to observe this as because in the W.S. filed by the union throughout I find that the younger brother of the deceased Bhagat Rewani appears to be the claimant of the job in place of deceased Bhagat Rewani. But at the time of evidence I find that one lady named Chinta Devi claiming herself to be the wife of the deceased Bhagat Rewani has come forward to this Court for getting job in place of Bhagat Rewani as per the provisions of the NCWA-III and from the side of the union she was examined and her case was pressed before this Tribunal. That fact was not challenged by anybody however.

21. It is the settled principle of law that Tribunal cannot go beyond the terms of reference actually made to it. It is a fact that apparently no name has been mentioned as the defendant of the deceased Bhagat Rewani in the said reference nor it is stated who claims the benefit as per that reference.

22. This was also argued and pointed out in the W.S. by the management.

23. Be that as it may the broad fact remain whether the defendant of deceased Bhagat Rewani is entitled to get job in his place as per terms of NCWA as claimed by the union. But at the same time the union must put forward claim of the actual person and they must not be vacillated as it appears in course of hearing of this reference after consulting the W.S.

24. So the award is passed in the following tune and the matter is left to the management for implementation of the said award following the law in this regards with law. Lastly it is held that the contention of the management that Badli workers defendant is not entitled to get a job is not accepted rather it is held that Badli worker is also a workman as per Certified Standing Orders as discussed above and thereby the defendant of the deceased worker is entitled to get a job as per clause 9.4.2 of NCWA-III and without entertaining that claim after proper verification the management of South Tista Colliery of Lodna Area X of M/s. BCCL was not justified without providing the defendant of the said deceased.

25. Accordingly it is ordered that on receipt of proper application from the actual defendant as per clause 9.4.2 of NCWA-III within 3 months from this date to the management, from the concerned workman through union the management would make enquiry within one month from the

date of such receipt and give employment after proper scrutiny as per rules as badli worker under the terms and conditions which are available to them.

This is my Award.

D. K. NAYAK, Presiding Officer

तईदिली, 9 अगस्त, 1995

का. आ. 2323.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधतात के संबद्ध वियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीयोगिक विवाद में, केन्द्रीय सरकार श्रीयोगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार का 8/8/95 को प्राप्त हुआ था।

[नंबर प्रान्त--12012/07/89/श्री. [राज. आर (बी. -2)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 9th August, 1995

S.O. 2323.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on 8-8-95.

[No. L-12012/07/89-DIAIR(B. II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR (MP).

CASE REF. NO. CGIT/LC(R)(118)/1989

BETWEEN :

Shri W. L. Kawale, represented through the Area Secretary, M.P. Central Bank Employees Association, B/36, Vivekanand Colony, Nagpur Road, Chhindwara (MP)-480001.

AND

The Area Manager, Central Bank of India, Chhindwara (MP).

PRESIDED IN :

By Shri Arvind Kumar Awasthy.

APPEARANCES :

For Workman : None.

For Management : Shri N. P. Jyotishi.
INDUSTRY : Banking DISTRICT . Chhindwara
(MP)

AWARD

Dated : July 17, 1995

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-12012/7/89-D2(A) Dated 6th June, 1989, for adjudication of the following industrial dispute :

THE SCHEDULE

"Whether the action of the management of Central Bank of India in stopping and not making the promotion of Shri W. L. Kawale, S. T. candidate against the communal roster of S.T. Candidates to the post of officer cadre under the State Service is justified ? If not, to what relief is the workman entitled ?"

2. Admitted facts of the case are that Shri R.R. Dhakate was promoted from 18-8-86 and Shri Dhakate failed to join at the place of his posting within 21 days from the receipt of the order. It is also not in dispute that the Central Bank of India management declared certain vacancies of officer in J.M. Grade I scale (promotion from clerical to officer grade) during the year 1986 and out of these vacancies one vacancy was reserved for S.T. candidate as per letter dated 7-11-85. It is also not in dispute that Shri Dhakate was promoted from the reserved S.T. candidate and that the workman Shri W. L. Kawale is also a S. T. Candidate.

3. The case of the workman is that one vacancy for S.T. candidate fell vacant in the year 1986 and Shri R. R. Dhakate did not join the post within a period of 21 days; that the management has wrongfully and against the rules deprived the workman, Shri W. L. Kawale, of the post of officer grade and in the year 1987 allowed Shri Dhakate to occupy the vacancy; that Shri Dhakate was not entitled to be absorbed in the year 1987 as he failed to join in the year 1986 during the specified period of 21 days; that again during the year 1986, management conducted second promotion test to fill up another 20 vacancies of officers under State cadre. According to SC|ST roster one vacancy was reserved for ST candidate (out of 20 vacancies) and one vacancy of ST candidate was not filled up in the month of August, 1986 due to non reporting of Mr. R. R. Dhakate and this vacancy was therefore carried forward in the roster at the time of this second test.

4. According to the roster vacancy management had declared 20 vacancies of officers and against this 2 vacancies were reserved totally for ST candidate vide their letter dated 30-10-86 and called two senior members of ST candidates viz. Mr. P. K. Likhar and Mr. W. L. Kawale from seniority list prepared dated 1-9-86 for conducting test on 21-12-86 and management promoted to Mr. P. K. Likhar from 26-12-86 and declared enlisted for promotion to Mr. W. L. Kawale without assigning any reason.

5. Therefore one ST vacancy as per seniority list dated 1-9-86 was not filled up which was required to be filled up by the end of 31-12-86. It means, one ST vacancy was backlog of 1986 and it should have been carried forward in the year 1987 as per circular No. CO|PRS|POL|78|509 dated 25-9-78, but management could not carried forward the one vacancy of ST candidate in the rostar and directly promoted to Mr. R. R. Dhakate, w.e.f. 18-8-86 (back da'ed promotion) who was failed to join at the place of his posting within 21 days as per the clause No. 1.41) management released his promotion order which is clear cut violation of rules and this action of the management cannot be accepted ignoring claim of Mr. Kawale as per rules (Mr. Dhakate joined the duty in the month of January 1987).

6. In the year 1987, management again declared 14 vacancies and as against this one vacancy was reserved for ST only. Management called two senior members from ST seniority list dated 1-1-87 (i.e. Mr. P. S. Thakur and Mr. W. L. Kawale) and conducted test on 29-11-87 at Raipur. According to clause 1.36 of promotion policy dated 20-12-75 management had declared successful to Mr. W. L. Kawale in this test and Mr. P. S. Thakur was not appeared in the test, this time also Mr. Kawale was not promoted by the management though found successfull and in place of Mr. Kawale, management promoted to Mr. S. U. Dhakate outrightly keeping all norms of promotion aside (despite the fact that his name was not appearing in the Seniority list of ST candidate) Mr. S. U. Dhakate was a SC community member and his name was also not in seniority list of ST candidate is a matter of great concern to Mr. Kawale who in fact was entitled for promotion.

7. The workman has prayed that the management be directed for releasing his promotion order from 16-12-88 i.e. with retrospective effect.

8. The case of the management is that Shri R. R. Dhakate could not report on promotion to his place of posting during 21 days because the Bank did not relieve him for administrative reasons; that according to C1-1-47 of Promotion Policy Agreement promotion shall be effective from the actual date of joining at the place of posting if the management is unable to relieve a candidate on promotion because of exigency of administration. The management has alleged that Shri Dhakate was senior to Shri Kawale. In the year 1987 there was only one vacancy reserved for ST candidate. As such, Shri Dhakate was promoted in the year 1987 and workman, Shri Kawale, got promotion in the year 1988. The management has prayed that the workman, Shri W. L. Kawale, is not entitled for promotion with retrospective effect.

9. Workman, Shri W. L. Kawale, was not entitled for the promotion in the year 1986 because he failed to qualify the promotion test. Shri Dhakate passed the test in the year 1986. The seniority list of 1987 as on 1-1-87 the name of Mr. Kawale was included. He later on passed the promotion test. The grievance of the workman is that Shri R. R. Dhakate was kept first in the seniority list of the year 1987 and workman was second in the list and this resulted in the denial of promotion of the workman in the year 1987. The workman alleges that inspite of the failure of Shri

Dhakate to join in the year 1986, it was not proper on behalf of the management to keep Shri Dhakate on the top of the seniority list in the year 1987 and deny the promotion to Shri Kawale. This contention of the workman has little force. Shri Dhakate was not relieved by the management due to the exigencies of administration. Consequently, Shri Dhakate has a right to be on the top of the seniority list of 1987 and get the promotion in 1987 being senior to the workman, Shri W. L. Kawale.

10. Shri Kawale failed to qualify the test in the year 1986 while in that year Shri Dhakate did clear the promotion test, Shri Dhakate could not join in the year 1986 as he was not relieved. Consequently, it would have been unfair to promote to Shri W. L. Kawale superseding Shri R. R. Dhakate. Management has admitted that some mistake was committed in preparing seniority list. Even then the point to be resolved remains whether the workman, Shri W.L. Kawale, can get the promotion since the year 1987 prior to Mr. Dhakate, Shri Dhakate had passed the examination prior to Shri Kawale and he was rightly placed on top in the seniority list of year 1987. Consequently considering the equity and circumstances of the case, I hold that the prayer of the workman, Shri W. L. Kawale, for the promotion with retrospective effect is not justified. Such unfortunate and uncalled for anomaly occurs some times, which cannot be redressed.

11. Reference is answered in favour of the management. Workman is not entitled for any relief, whatsoever. No order as to costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 14 अगस्त, 1995

का. आ. 2324.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप धारा (3) धारा प्रदत्त प्रक्रियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1-9-1995 को उस तारीख के रूप में नियन्त करती है, जिसको उक्त अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) (और अध्याय-5 और 6) धारा 76 की उपधारा (1) और (धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपर्यन्थ तकिनाहु राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात्—

“जिन्हा चेहरी एम जी आर के श्रीपेलम्पुर नालूक में राजस्व भाम पूनामल्ली, काटटूपक्कम, मेन्नीर कुप्पम, नजरतपेट, तिरुमन्निसाएं, सेम्बरम्बाक्कम, अथ्यापत्तानगल, कुतम्बाक्कम, पल्लिपट्टू, गोपरासनल्लूर, वरदराजपुरम, पोङ्गूर, वेसलबेडु और साइदापेट तालूक में मुराणपट्टू के अंतर्गत आने वाले क्षेत्र।

[संख्या एस-38013/46/95-एस एस-1]

जे. पी. शुक्ला, अवार सचिव

New Delhi, the 14th August, 1995

S.O. 2324.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st September, 1995 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Tamil Nadu namely :

1995 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Tamil Nadu namely :—

“Areas comprising the revenue villages of Poonamallee, Kattuppakkam, Sentheer Kuppam, Nazarathpet, Thirumazhisai, Sembaram Bakkam, Ayyappanthangal, Kuthambakkam, Paruthipattu, Goparanallur, Varadarajapuram, Pazhanjur, Vellavedu in Siperumpudur Taluk and Soorapattu in Saidapet Taluk of Chengal MGR District.”

[No. S-38013/46/95-SS. 1]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 14 अगस्त, 1995

का. आ. 2325—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा (3) धारा प्रदत्त प्रक्रियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1-9-1995 को उस तारीख के रूप में नियन्त करती है, जिसको उक्त अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) (और अध्याय-5 और 6) धारा-76 की उपधारा (1) और (धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपर्यन्थ तकिनाहु राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात्—

“जिन्हा कोइम्प्टुर के तीरुपुर तालूक में राजस्व ग्राम पोङ्गूर और पालाड़म तालूक में नर्नापुरम और कराईपुड़ुर के तर्गत आने वाले क्षेत्र”।

[संख्या एम-38013/47/95-एस एस-1]

जे. पी. शुक्ला, अवार सचिव

New Delhi, the 14th August, 1995

S.O. 2325.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st September, 1995 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Tamil Nadu namely :—

“Area comprising the revenue Villages of Pongalur of Tiruppur Taluk and Naranapuram, Karaipudur of Palladam taluk in Coimbatore District.”

[No. S-38013/47/95-SS. 1]

J. P. SHUKLA, Under Secy.

